

By Mr. WOODYARD: Petition of post office employees of Parkersburg, W. Va., favoring increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. WARD: Petition of R. Jay Stewart, Leigh G. Crook, Leland C. Morton, Andrew J. Sorzano, Hubert Kimball, Fred S. Gorton, Fred G. Fisher, and Roy G. Steenrod, post-office employees at Liberty, N. Y., for increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. WATSON of Pennsylvania: Petitions of post-office clerks at Pottstown, Pa., and National Association of Letter Carriers' Branch No. 564, of Pottstown, Pa., praying for an increase of their wages; to the Committee on the Post Office and Post Roads.

Also, memorial of Camp No. 789, Patriotic Order Sons of America, Bristol, Pa., urging Congress to take measures to conserve the food supply of the American people; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, December 13, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the God of all the nations of the earth, we come before Thee for a large measure of wisdom, that we may be enabled to discharge the duties that are upon us. We pray that we may have wisdom in proportion to the ever-increasing responsibility that we have, and that with farseeing vision the statesmen of this country may discern the guidance of God in all the incidents of our national history. With devotion to justice, with love for peace, with a high resolve, with honor unsoiled, we pray that we may pursue our way with an influence upon the nations of the earth; and above all, holding forth Thy truth and Thy name as the supreme end and object of all living. Hear us, and guide us this day in the discharge of our duties. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co., and to the Anheuser-Busch Brewing Association, and to the Manufacturers' Railway Co., permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co., and to the Anheuser-Busch Brewing Association, respectively; and

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented a petition of Union veterans of the Civil War of Oneida County, N. Y., praying for an investigation of the alleged deportation of citizens of Belgium, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Kings County, N. Y., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of Local Branches No. 1263 and No. 1473, National Association of Letter Carriers, of East Pittsburgh, Pa., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Ministerial Association of Woodlawn, and of sundry citizens of Swissvale, in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 2248, United Mine Workers of America, of Martindale, Pa., and a petition of Washington Camp No. 789, Patriotic Order of America, of

Bristol, Pa., praying for an investigation into the high cost of living, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Lancaster County, Pa., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the North Presbyterian Church, of Pittsburgh, Pa., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. COLT presented petitions of sundry citizens of Providence and Woonsocket, in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented petitions of sundry citizens of Spartanburg and Pickens, in the State of South Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Wells River, Boltonville, Woodsville, Groton, Burlington, Lanesboro, Marshfield, East Montpelier, Montpelier, Barre, Websterville, South Ryegate, Granitville, Plainfield, Cabot, Northfield, North Montpelier, East Calais, and Pelkey, all in the State of Vermont, praying that the maintenance of way employees of railroads be included within the provisions of the Adamson eight-hour law, which was referred to the Committee on Interstate Commerce.

Mr. WEEKS presented a petition of sundry citizens of Leicester, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

FUNERAL EXPENSES OF THE LATE SENATOR JAMES P. CLARKE.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 287, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent funds of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the late Senator James P. Clarke, from the State of Arkansas, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota (by request):

A bill (S. 7318) to increase the efficiency of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 7319) granting an increase of pension to Carrie C. Carter; to the Committee on Pensions.

By Mr. CLARK:

A bill (S. 7320) adding certain lands in Wyoming to the Ashley and Wasatch National Forests; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 7321) to authorize the issuance of a warrant for the arrest and removal of persons under indictment for offenses against the United States; and

A bill (S. 7322) relating to the jurisdiction of the courts of the United States over controversies to which corporations, copartnerships, or associations are parties; to the Committee on the Judiciary.

By Mr. WORKS:

A bill (S. 7323) to correct the military record of Joseph P. Widney (with accompanying papers); to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 7324) granting an increase of pension to Joseph Cook (with accompanying papers); and

A bill (S. 7325) granting an increase of pension to James W. Divilbiss (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 7326) to amend section 8 of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes"; to the Committee on Agriculture and Forestry.

A bill (S. 7327) authorizing the appointment of Brig. Gen. John H. Patterson, United States Army, retired, as a major general on the retired list; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 7328) granting an increase of pension to Emily S. Robinson; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 7329) granting a pension to Nancy Ellen Guthrie (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7330) to amend section 44 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on Naval Affairs.

By Mr. THOMPSON:

A bill (S. 7331) granting an increase of pension to Thomas V. Malone (with accompanying papers); and

A bill (S. 7332) granting an increase of pension to Jonathan A. Deaver (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate \$77.68 to reimburse Benjamin S. Hanchett, of Grand Rapids, Mich., for necessary expenses while attending the meeting of the Assay Commission in March, 1905, held at Philadelphia, Pa., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ASHURST submitted an amendment authorizing the Secretary of the Interior to expend not exceeding \$10,000 from the proceeds derived from the sale of town lots on the Colorado River Indian Reservation arising under the act of April 30, 1908, for the investigation and survey and the preparation of maps, plans, specifications, and an estimate of cost of the necessary irrigation works for the utilization of the reserved rights to water from the Colorado River, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate \$500,000 for beginning the construction of a new dry dock at the Portsmouth Navy Yard, N. H., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD submitted sundry amendments intended to be proposed by him to the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, which were ordered to lie on the table and be printed.

SETTLEMENT OF LABOR DISPUTES.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (S. 7066) to provide for the investigation of controversies affecting interstate commerce, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS L. JENNISON.

On motion of Mr. LIPPITT, it was

Ordered, That the papers accompanying the bill (S. 947, 63d Cong.) granting an increase of pension to Thomas L. Jennison be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILL REFERRED.

H. R. 18453. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, for other purposes, for the fiscal year ending June 30, 1918, was read twice by its title and referred to the Committee on Indian Affairs.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of House bill 10384.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 10384) to regulate the immigration of aliens to, and the residence of aliens in, the United States.

Mr. PHELAN. I ask unanimous consent to present correspondence of the Secretary of Labor on the subject of the bill now before the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMOOT. I did not hear what the request was.

The VICE PRESIDENT. It is to introduce in the Record correspondence of the Secretary of Labor touching the pending immigration bill. Without objection, it is so ordered.

The matter referred to is as follows:

MAY 17, 1916.

HON. WILLIAM B. WILSON,
Secretary of Labor.

MY DEAR MR. SECRETARY: I notice in a morning paper that the Committee on Immigration in the Senate has agreed upon an amendment which "removes the Japanese entirely from the immigration bill, but accomplishes Asiatic exclusion otherwise by specification of latitude and longitude. That portion of China along most of its seacoast is not included in the excluded territory, but the Chinese-exclusion law of this country, it is explained, will be applicable to the Chinese." (See Washington Post of May 17, p. 5.) The committee has not yet made its report to the Senate.

I would like to learn from your department whether it is possible under this bill, if enacted into law, for Japanese laborers, whose immigration is regulated by the "gentlemen's agreement" to enter our territory, or whether, under your regulations, you would admit them without a passport. I have in mind the possibilities of objectionable oriental laborers sailing from other than oriental ports, as ports of Mexico, British Columbia, or by way of the border, being admitted to the continental territory of the United States, where they have been regularly admitted to those countries by passports issued by their own Government. The Japanese Government is morally obligated not to issue passports to Japanese laborers who intend to enter the United States, but what about those to whom passports are issued for Mexico, for instance, and who come to the United States by a circuitous route?

Senator SMITH, chairman of the Committee on Immigration, as a reason for not including the "gentlemen's agreement" in the immigration bill, calls my attention to the act of February 20, 1907 (34 Stats., 898), as amended by the acts of March 26, 1910 (36 Stats., 263), and March 4, 1913, which provides, among other things, "that whenever the President shall be satisfied that passport issued by any foreign Government to its citizens to come to any country other than the United States, or to any insular possession of the United States, or to the Canal Zone, are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country, or from such insular possessions, or from the Canal Zone."

Believing that the Department of Labor is determined so far as the law permits to discourage the immigration of oriental laborers as a protection for our own people, and through them our institutions, I would like to have your judgment on this matter. A casual reading leads me to believe that if the "gentlemen's agreement," so called, with Japan is directly or indirectly violated, in letter or spirit, the President has the power to refuse admission to this country to those whose exclusion is desired. This is the reason advanced by Senator SMITH why it is not necessary to enact in terms the "gentlemen's agreement."

The executive branch of the Government in this view controls the situation, provided it is disposed to act, and the exclusion of objectionable orientals rests, therefore, upon the Japanese Government in the first instance and, secondly, in case of violation or of bad faith upon the judgment and determination of the President of the United States.

Please to advise me on this subject at your earliest convenience because the amended immigration bill may be presented to the Senate at any time. I desire in every possible way, without giving needless offense to our neighbors, to protect the Pacific coast and the country against the blight of oriental immigration, which is nonassimilable and which, if not restrained, will crowd out the white population of my State. I am,

Yours, very truly,

JAMES D. PHELAN.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 22, 1916.

HON. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have the honor to acknowledge the receipt of your letter of the 17th instant, in which you discuss at some length the amendments recently agreed upon in the Senate Committee on Immigration and which it is understood will soon be reported to the Senate by said committee through a reprint of the pending immigration act (H. R. 10384). As it has been the privilege of this department to cooperate with the Department of State and the Immigration Committee of the Senate in perfecting these amendments, I take pleasure in advising you fully with respect to the department's view of the questions which you raise.

In the first place, it must be borne in mind that no one who participated in the preparation of the Burnett immigration bill or in its perfection before the Immigration Committees of the House and Senate has ever had the least intention, as I understand the matter, to have the measure apply in any respect or any degree to the control of the immigration of Japanese. The amendments have been prepared and finally adopted by the Senate committee with no intention of changing in any particular the intent of the act. The only purpose is so to change the form, without modifying the effect, as to eliminate even the least possibility of having the language employed in the measure giving any offense to Japan or to any other foreign nation. Incidentally, in perfecting these amendments, I believe that a general improvement has been brought about. The principal amendment is made in that provision of section 3 of the act having the object of excluding from this country orientals (with certain excepted nonlaboring classes) other than Chinese and Japanese. The Chinese are already cared for by the treaty of 1880 and the exclusion laws of later date, all of which were "re-enacted, extended, and continued without modification, limitation, or condition" by the act of April 27, 1904 (33 Stat., 394-428). Inasmuch as the understanding with Japan, commonly called the "gentlemen's agreement," remains in operation in connection with the proviso to section 1 of the act of February 20, 1907, which it is proposed to re-enact in the pending measure, nothing further is needed on that phase of the subject.

The joint operation of the proviso above mentioned, the proclamation upon which rule 11 is predicated (quoted therein), and the rule in question is this: The Japanese Government does not issue passports to its subjects who are laborers, skilled or unskilled, permitting them to come to the mainland of the United States or to Hawaii, with certain exceptions in favor of the immediate members of families already residing here and in favor of Japanese who have established a domicile here and returned to their native land temporarily. Any Japanese of the

laboring class who arrives at a port of this country and does not hold a passport containing the permission of his own Government to come to the United States or who holds a passport limited to any country foreign to the United States is rejected by the immigration officials and deported to the country whence he came. If it is found in any case (and I am glad to say that this department's experience has been that such cases are extremely rare) that a passport to the United States has been issued by Japanese passport officials inadvertently or erroneously, the matter is promptly brought to the attention of the Japanese Government through diplomatic channels, with request that proper steps be taken to prevent any recurrence of the mistake. Requests of this nature have always received prompt and careful attention.

The provision which has been amended reads in the print of H. R. 10384 of March 30, 1916, as follows (p. 7, lines 4 to 10): "Hindus and persons who can not become eligible under existing law to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into."

The provision which it is proposed to substitute for the above reads as follows: "Unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the Continent of Asia, situate south of the twentieth parallel of latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, Province, or dependency situate on the Continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north."

You will observe that by using the proposed substitute all reference to race or nationality is avoided, and yet it is made perfectly clear that the purpose of the law is to extend the principle under which certain kinds of Oriental laborers have heretofore been excluded from the country to the cases of other Orientals, the migration of whom has recently commenced, or in whose cases migration might be expected to commence in the future. The geographical lines have been selected with care and include within the excluding provision every part of Asia and every island adjacent thereto, the natives of which would have been excluded by the language for which it is a substitute, while the people themselves are not named by either race or nationality.

Respectfully, yours,

W. B. WILSON, Secretary.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment of the Senator from Missouri [Mr. REED], where, on page 7, line 4—

Mr. SMITH of South Carolina. The pending amendment is now in process of modification, and it will be ready in just a minute. I ask that this amendment be temporarily passed over pending the preparation of an amended amendment.

The VICE PRESIDENT. Is there objection? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole save the one which has just been temporarily passed over.

The amendments were concurred in.

Mr. SMITH of South Carolina. Mr. President, I am ready now to proceed with the consideration of the amendment temporarily passed over.

Mr. REED. Referring to the amendment which was passed over, after some conference with the committee, we have agreed upon an amendment in lieu of the amendment I offered. That amendment will now be presented by the chairman of the committee.

Mr. SMITH of South Carolina. In lieu of the amendment offered, as per agreement, on page 7, line 4, after the word "eligible," insert the following, which I will ask the Secretary to read.

The SECRETARY. On page 7, line 4, after the words "otherwise eligible," insert "unless otherwise qualified for admission and voluntarily coming from contiguous foreign territory to seek employment in harvesting farm crops, persons whose intention it is to return to the country whence they come, after temporarily engaging in laboring pursuits in the United States; persons who, after having been admitted to the United States, return to the country whence they came to there reside or for the purpose of taking part in any war in which such country is involved."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of South Carolina. On page 35, line 8, after the words "United States," I move to insert the following.

The SECRETARY. On page 35, line 8, after the words "United States," insert:

All aliens coming to the United States shall be required to state, under oath, the purposes for which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, that they have not come for the purpose of securing temporary employment as laborers and with the intention of returning to the country whence they came, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 3 hereof.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I am this morning in the receipt of a letter from Hon. Louis Marshall, of New York City, which relates to the Senate amendments to the pending bill, but it probably comes too late for any action upon those amendments, as they have all been agreed to in the Senate unless a reconsideration can be had. I desire, however, to have the letter read to the Senate in order that it may appear in the RECORD and the Senate may have the views of this distinguished lawyer, and that in this way the matter may be given consideration in conference if the bill reaches that stage. I think the letter is well worthy the attention of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

THE AMERICAN JEWISH COMMITTEE,
356 Second Avenue, New York, December 11, 1916.

DEAR SENATOR: Although I am very much opposed to the passage of the pending immigration bill with the literacy test, because I believe it to be wrong in principle, I wish especially to call your attention to three provisions contained in the bill as reported to the Senate which should be amended:

1. The proviso contained in section 2 of the present immigration bill, intended to admit into the United States persons who had actually been convicted of an offense purely political, not involving moral turpitude. Under this law the courts have held that Gen. Castro, the former President of Venezuela, though charged with murder committed in the course of one of the numerous revolutions in which he was a participant, and Milus, who had been convicted of publishing a libel on the King of England, were entitled to admission. The present bill, as it passed the House, not only provides that the provisions of section 2 do not apply to persons convicted, but also to those who admit the commission, or who teach or advocate the commission, of an offense purely political (p. 10, lines 3-6). The Senate committee has added the words "unless such offense is a felony" (p. 10, line 7).

Under the provision as it has now been amended, no revolutionist could be admitted into this country. By becoming a participant in a revolution against the constituted government of his country, he would, according to its laws, be guilty of treason. That is not only a felony, but, as was said by Lord Reading in his charge to the grand jury in the case of Sir Roger Casement, it is regarded as the most serious of felonies. Sir Roger Casement himself, and those who were recently participants in the attempt to establish an Irish republic, some of whom were executed by a drumhead court-martial, would have admitted, had they fled to the United States, the commission and advocacy of the commission of an offense which, though purely political, was a felony. Under the law as it is now sought to be amended, they would all have been deported and placed in jeopardy of their lives by the legislation enacted by a Government which has heretofore prided itself upon opening its hospitable doors to political refugees.

In like manner, Kossuth and Garibaldi would, under a similar statute, have been deported to the respective countries where they were sought to be prosecuted for political offenses. The fathers of our Republic were guilty of felony under the English law which prevailed at the time of the Revolution, and which still prevails. Washington was regarded as an archtraitor, as he doubtless was under the law to which he owed allegiance at the time when he joined the Revolutionary cause.

So every Russian who has striven for the breaking of the yoke of despotism under which his country languished, who has become a member of a political organization which has advocated revolution, would be a felon. It is only a few years since the entire country was stirred by the cases of Jan Poren and Rudowitz, whom Russia asked to be extradited because of alleged crimes that they had committed. It was shown that these alleged crimes were the incidents of an outbreak among the Letts near Riga, and although they bore all the outward semblance of robbery, burglary, and murder, extradition was refused, because these offenses, though felonies, were political.

If this proviso, as it is now proposed to amend it, were to become a law, then it would be unnecessary for a foreign government seeking the punishment of a political offender to resort to extradition. That remedy, which would be futile in the case of a political offender, as has been indicated in the two cases to which I have just referred, would be superseded by a more simple and expeditious remedy. All that Russia, for instance, would have to do to reach its political refugees would be to show to an immigration inspector that the person in question was a participant in a movement which resulted in loss of life or the destruction of property, and that, though political, the offense involved the commission of a felony. At once, automatically, the unfortunate victim of despotism would be deported and enter the ranks of martyrdom. The Congress of the United States would thus become an appendage of tyranny, and enable the despots of other lands to reach across the sea to add to the terrors of their power; only in such case it would be Congress and not the despotic government which would be the instrument of rendering the latter redoubtable.

The Sichinski case has been referred to as justifying a departure from our historic policy. But that is a mistake. His offense was clearly political. It was so adjudged. It is claimed that the amendment proposed by the House would not be applicable to such a case. Yet, as the bill has been amended by the Senate committee, not only would his case be included, but that of many others whose sole offense has been that of participating in an unsuccessful popular uprising. The very fact that they were unsuccessful stamped their offense as a felony. You will remember the famous lines:

"Treason doth never prosper.

What's the reason?

For if it prosper none dare call it treason."

Our history is full of great names of those who sought asylum here from the consequences of political offenses. The men of 1848 who came from Germany included some of our noblest citizens. Carl Schurz, Col. Hecker, and hundreds of others might be instanced. Are we now, at this period in the world's history, when more than at any other time it is important to afford a refuge to those who may be regarded in their own lands as traitors but who in reality are merely

the prophets of a better day, to close our doors to them and leave them to their untoward fate by inserting in our immigration laws an amendment like that which is now proposed?

The provision as reported by the Senate committee is a distinct reversal of the American policy hitherto entertained toward political refugees and a destruction of the right of asylum which has long been recognized as a fundamental tenet of the political faith of all of our national parties. In fact, the platforms adopted by the Republican Party in 1912 and 1916 contained an unqualified pledge that the right of asylum shall be maintained.

2. The second amendment called for relates to the separation of wives from their husbands and parents from their children which will be brought about by the definition given to the term "aliens" in section 1 of the pending bill. It reads:

"That the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

Taking this language, it necessarily means that the foreign-born wife or children of one who, after migrating into the United States, becomes a naturalized citizen, continue to be "aliens" within the meaning of this act, since they are neither native born nor naturalized. Hence, if the family of a naturalized citizen should come to this country to join the head of the family, even though they may have resided here and may have gone abroad temporarily only, they may be deported. If this is not a separation of the kind characterized, but which could not have been contemplated, although literally provided for, language loses its significance.

Moreover, a native-born woman who marries an alien loses her citizenship by the fact of such marriage. Should she, therefore, take a trip abroad, on returning to this country she is subject to deportation because of her alienage should she have contracted a disease or have become the victim of a misfortune which brings her within one of the classes of deportable immigrants. That this is not mere fancy is indicated by the recent decision of the United States Supreme Court in *Mackenzie v. Hare* (239 U. S., 299). Under the existing law a woman who might lawfully be naturalized who married a citizen of the United States is to be deemed a citizen. (*Kelly v. Owen*, 7 Wall., 496; *Low Wal. v. Suey*, 225 U. S., 473.) This excludes Chinese persons but includes those of the white race. Yet a foreign-born woman not naturalized, though she becomes a citizen by the naturalization of her husband, as do their children under the age of 18, will still remain an alien within the meaning of the immigration law if this proposed definition of an "alien" is enacted, and becomes subject to all the conditions and prohibitions which the act contains which are applicable to aliens.

In order to avoid these untoward consequences, the least that can be done is to amend this definition by adding the words "other than the wife and other than the children under 18 years of age of any native-born or naturalized citizen of the United States."

3. A proviso is added to the literacy test (p. 9, lines 10-18), as follows:

"That the following classes of persons shall be exempt from the operation of the literacy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith."

This makes no provision for those who seek admission to the United States to avoid political persecution. In view of the fact that much of the persecution not only of the Jews but also of other subject peoples in Russia and Roumania, such as the Finns, the Letts, and the Estonians, is on political as well as on religious grounds, and for political effect, it is desirable, in order that there may be no question as to the protection of these unfortunates and so that there may be no difficulty in ascertaining just where religious persecution ends and political persecution begins, that the clause quoted be amended as follows: That in line 14, page 9, after the word "religious," there be added the words "or political," and, on page 9, line 18, after the word "faith," there be added the words "or the political views that he entertains."

I trust that you may be able to bring about the adoption of these several amendments.

Very cordially, yours,

LOUIS MARSHALL.

Hon. JAMES A. REED,

United States Senate, Washington, D. C.

Mr. SMITH of South Carolina. Mr. President, there are two amendments which are necessary for the completion of the bill. One is a mere matter of keeping the statistical record straight. On page 26, line 19, after the word "cause," I move to insert the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 26, line 19, after the words "from what cause," it is proposed to insert "whether coming with the intent to return to the country whence such alien comes, after temporarily engaging in laboring pursuits in the United States, and such other items of information as will aid in determining whether any such alien belongs to any of the excluded classes enumerated in section 3 hereof."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of South Carolina. Now, Mr. President, on account of the passage of the so-called Philippine government bill, the amendment which I send to the desk becomes necessary in order to take care of that situation.

The VICE PRESIDENT. The amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 2 it is proposed to strike out lines 13, 14, and 15 and to insert:

That this act shall be enforced in the Philippine Islands by officers of the general government thereof unless and until it is superseded by an act passed by the Philippine Legislature and approved by the

President of the United States to regulate immigration in the Philippine Islands, as authorized in the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August 29, 1916.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. REED. Mr. President, I move to reconsider the vote by which the amendment appearing on page 10, which reads "unless such offense is a felony," was adopted.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri. [Putting the question.] The yeas seem to have it.

Mr. GALLINGER. Mr. President, will the Senator from Missouri state precisely just what is the provision, the adoption of which he asks to have reconsidered?

Mr. REED. The provision of the House text, as the bill came from the House to the Senate, is:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

The Senate committee amendment, which has been adopted, added the words "unless such offense is a felony." I wish to reconsider the vote by which that amendment was adopted in order to submit a motion to strike out the words "unless such offense is a felony."

Mr. SMITH of South Carolina. Mr. President, the committee added those words to the House text after consideration, for the reason that, while they heartily agreed with the provision in the House bill, they took the view that we should be hardly justified in allowing assassins, men who had committed murder, who did not merely revolt against the condition in their country and oppose the form of government under which they were living, but who went to the extreme of committing personal crime. Certain cases were cited in the letter which has been read to-day, which, as a self-respecting nation, we could hardly justify; as, for instance, where a man went to the extent, in his antagonism to his Government, of committing murder, though the incentive or cause was purely political, such an act being the personal commission of a crime, we could scarcely justify it. We maintained that, while this country is an asylum to which the politically persecuted may come, we should hardly want to invite to this country men who, by reason of their violent opposition to whatever form of government they lived under in other countries, take the matter into their own hands, commit murder, and then seek this country as an asylum to escape from their crimes. We are willing to extend the privilege of admission to all who are politically persecuted and who revolt against the tyranny of their government, but who, in the light of modern civilization, restrain their passions to the point of refraining from committing personal violence.

Mr. REED. Mr. President, the trouble is that the phrase as used in this bill has no such limitation as the distinguished Senator implies in his address. The phrase in the bill is "unless such offense is a felony." Everyone knows—I am sure there can be no division of opinion upon this matter if the Senate will really pause to consider it—that under the laws of European countries nearly every act which has a tendency to overthrow the governments, even in many instances including ordinary freedom of speech, is a felony under the laws of such countries; and this phrase, as now written in the bill, would exclude every man who has done anything in an effort to change the form of a European or Asiatic government, provided the laws of that country punish the act with imprisonment, raising it to the rank of a felony.

Now, let us see just where that brings us. I do not intend to take much of the time of the Senate, but I want to present this matter. As stated in the letter of Mr. Marshall, Louis Kossuth would undoubtedly have been stopped at the shores of this country and returned to execution if this law had been in effect. Undoubtedly he committed a felony under the laws of the country from which he came when he started a revolution. Undoubtedly all of the Polish patriots who rose in rebellion against the tyrants who enthralled them were guilty of a felony under the laws dictated by those tyrants. Probably any man in Ireland who may to-morrow start an agitation to declare Ireland a free and independent nation will be liable as a felon under the laws of England.

Of course the term "felony" has no very well defined technical meaning, but I employ the term in its broad general sense.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. The Senator is so much better versed in the law than I am that I hesitate to ask him this question, but is it not intended in this bill that it shall be a felony according to our laws rather than the laws of Europe?

Mr. REED. It is very hard for me to say what is intended in the bill, except as I gather it from the language. The language here employed is, to state it in its positive form, that no man shall be admitted to this country if he shall have committed a felony, even though that felony be of a political nature. I think it would have to be determined whether he had committed a felony or not by the law of the place where the act constituting the alleged felony was committed.

Mr. GALLINGER. I will say frankly to the Senator that if that is the correct interpretation I am in full sympathy with his contention; but if we are to determine according to our own system of jurisprudence whether a given act is a felony, I think the provision might well remain in the bill.

Mr. REED. I will say to the Senator that I always hesitate to answer a legal question offhand; it is a difficult thing to do and be certain that you are right. A man gets more uncertain, the more law he knows, about that kind of an opinion; but my present judgment is that the words must be taken in connection with the entire phrase. The entire phrase applies to political offenders. Of course that does not mean a political offense against our Government; it is a political offense against the Government where the man lives. Then the exception follows, "unless such offense is a felony." Manifestly, reading those words in connection with the phrase "a political offense," it would seem to mean a felony under the laws of the country where the man lives.

Mr. GALLINGER. Mr. President, I will ask the Senator if it might not clarify the matter if the words "according to the laws of the United States" were added?

Mr. LODGE. Mr. President, if the Senator will allow me—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. Certainly; I understood that it was the opinion of the committee that the offense should be a felony under the laws of the United States. I think those words were omitted by the committee because the Supreme Court has held in the case of United States against John Bitte that the word "felony" used in the immigration law meant a felony according to the laws of this country and not according to the laws of any other country; but there could be no harm in adding the words "according to the laws of the United States."

Mr. REED. Then we should, if we reconsider the vote by which the amendment was adopted and the language will thus become subject to amendment. So I ask that the vote be reconsidered, and I think we can agree on the form of an amendment.

Mr. SMITH of Michigan. Mr. President, if the Senator from Missouri will permit me, if I gathered correctly what the Senator from South Carolina said, he wanted to prevent a felon from coming here from another country under our immigration laws, and the Senator from Missouri, if I understand him correctly, wants to leave that felon to the laws of the country in which he committed the crime.

Mr. REED. No; the Senator does not understand me correctly.

Mr. SMITH of Michigan. Then the extradition treaty would reach that kind of a criminal if he undertook to flee to this country. There is not a treaty that we have with any country in the world that would not reach him if he is a felon and has committed a high crime. So that striking this language out of the amendment as proposed by the Senator from Missouri would not, in my opinion, leave the gates down so that a man accused of crime could come here to live under the immigration law.

Mr. REED. The point the Senator makes, if I understand him, is that if these words were entirely omitted and did not appear in the bill at all, if a man came here who was just simply a murderer he could not come in any way, because of other provisions of the law.

Mr. SMITH of Michigan. Under our extradition treaties they could reach right over here and get him and take him back.

Mr. REED. If he was simply a murderer.

Mr. SMITH of Michigan. Yes; or if he had committed any other high crime.

Mr. REED. Or a man who had committed some other heinous crime which was not a political crime.

Mr. SMITH of Michigan. Exactly.

Mr. REED. The first thing to do, of course, is to reconsider this amendment. Then we can take up the matter and discuss it. I ask for a vote on the motion to reconsider.

The VICE PRESIDENT. The question is on the motion to reconsider the vote whereby the amendment made as in Committee of the Whole was concurred in by the Senate.

The motion to reconsider was agreed to.

The VICE PRESIDENT. Now the question recurs on concurring in the amendment made as in Committee of the Whole.

Mr. SMITH of South Carolina. Now, Mr. President, as the matter is reconsidered, I propose to amend this language by inserting, after the word "felony," the words "under the laws of the United States."

Mr. REED. Mr. President, let me ask the Senator, before he commits himself finally to that language, whether the Senator from Michigan [Mr. SMITH] is not right in saying that if the crime be a crime pure and simple, not a political crime, the man could now be taken by requisition from this country? In that connection I make this suggestion, which has been suggested to me: Is it not a felony to take up arms against the Government of the United States? The answer must be, yes. Now, suppose that we adopt the language that is proposed to be inserted by the Senator from South Carolina, which is, in substance, "unless the act would be a felony against the United States." Of course that means unless the act, if committed in the United States, would be a felony against the laws of the United States. Now, it would be a felony under the laws of the United States for a man to take up arms against the United States. Accordingly, if the language which is suggested were employed, if any man took up arms against a European country he would do an act which, if he did it in the United States, against the United States Government, would be a felony; and, accordingly, every man who rises in revolt against a European country would immediately be barred from admission to this country.

To illustrate, let us take the case of the former Kingdom of Bohemia, which has been held in subjection now for hundreds of years, but which has never ceased to contend for its liberty, and which, I think, in 1868—although I may be in error—arose in revolt against the Austrian Government. Suppose that during the course of this war the Bohemians as a nation should revolt. Suppose they should carry on a war for a year or more, but finally be overcome, and thereupon the defeated Bohemians should flee to this country; and suppose we had a law here that provided that men committing a political offense which, if committed in this country would constitute a felony, should be barred from admission. Every one of those patriots, or revolutionists—by whatever name we want to refer to them—would be barred at the gates of this country. I repeat, Louis Kossuth was guilty of numerous acts which not only constituted felonies under the law of the country where he then lived, and against which he rebelled, but which would have constituted felonies in this country if they had been committed here, although his act was merely the act of a revolutionist.

The same thing may be said now of all European revolutionists. I think the wise thing to do, and the only thing to do, is to leave out this language, because if a man is merely a criminal over in Europe and comes here, and his act has been a private act, he can be taken back under the extradition laws that now exist. But if you add the language that is now in the bill and say that he can not be taken back for a political offense unless that offense constitutes a felony, then you have said that you can not take back a man who has been guilty of merely minor offenses against the Governments of Europe and other places; but you can take him back the minute he has done a thing which would be effective, namely, to head a revolution or to join a revolution.

This language is plainly a reversal of our policies. Now, I have read this very able letter from Mr. Marshall, of the New York bar, and it states the matter better than I can state it. Let me earnestly ask the Senate to allow me to read again a part of Mr. Marshall's language:

I wish especially to call your attention to three provisions contained in the bill as reported to the Senate, which should be amended:

1. The proviso contained in section 2 of the present immigration bill, intended to admit into the United States persons who had actually been convicted of an offense purely political, not involving moral turpitude. Under this law the courts have held that Gen. Castro, the former President of Venezuela, though charged with murder committed in the course of one of the numerous revolutions in which he was a participant, and Millus, who had been convicted of publishing a libel on the King of England, were entitled to admission. The present bill as it passed the House not only provides that the provisions of section 2 do not apply to persons convicted but also to those who admit the commission or who teach or advocate the commission of an offense purely political. (P. 10, lines 3 to 6.) The Senate committee had added the words "unless such offense is a felony." (P. 10, line 7.)

Under the provision as it has now been amended no revolutionist could be admitted into this country. By becoming a participant in a

revolution against the constituted government of his country he would, according to its laws, be guilty of treason.

And let me add, by becoming a revolutionist against this Government any man is guilty of treason. So that if we were to construe the offense according to our own law, as was suggested, it would, nevertheless, be a felony.

Reading on:

That is not only a felony but, as was said by Lord Reading in his charge to the grand jury in the case of Sir Roger Casement, it is regarded as the most serious of felonies. Sir Roger Casement himself, and those who were recently participants in the attempt to establish an Irish republic, some of whom were executed by a drumhead court-martial, would have admitted, had they fled to the United States, the commission and advocacy of the commission of an offense which, though purely political, was a felony. Under the law as it is now sought to be amended, they would all have been deported and placed in jeopardy of their lives by the legislation enacted by a Government which has heretofore prided itself upon opening its hospitable doors to political refugees.

In like manner Kossuth and Garibaldi would under a similar statute have been deported to the respective countries where they were sought to be prosecuted for political offenses.

The fathers of our Republic were guilty of felony under the English law which prevailed at the time of the Revolution, and which still prevails. Washington was regarded as an arch traitor, as he doubtless was under the law to which he owed allegiance at the time when he joined the Revolutionary cause.

So every Russian who has striven for the breaking of the yoke of despotism under which his country languished, who has become a member of a political organization which has advocated revolution, would be a felon. It is only a few years since the entire country was stirred by the cases of Jan Pouren and Rudowitz, whom Russia asked to be extradited because of alleged crimes that they had committed. It was shown that these alleged crimes were the incidents of an outbreak among the Letts near Riga, and although they bore all the outward semblance of robbery, burglary, and murder, extradition was refused because these offenses, though felonies, were political.

If this proviso, as it is now proposed to amend it, were to become a law, then it would be unnecessary for a foreign Government seeking the punishment of a political offender to resort to extradition. That remedy, which would be futile in the case of a political offender, as has been indicated in the two cases to which I have just referred, would be superseded by a more simple and expeditious remedy. All that Russia, for instance, would have to do to reach its political refugees would be to show to an immigration inspector that the person in question was a participant in a movement which resulted in loss of life or the destruction of property and that, though political, the offense involved the commission of a felony.

But I go further than this learned gentleman, and say that the act of raising the revolt is itself a felony; that if this language of the committee is allowed to stand in the bill then there is not a single man who has ever raised his hand in revolt who can hereafter come to the United States, because the act of revolt is an act of felony; not only under the laws of every country where the act may be committed but also under the laws of the United States, to which the man may come, such an act is a felony.

Mr. President, I do not want to take the time of the Senate. We are all impatient to dispose of this bill; but I do think the language to which I have referred ought to come out of the bill.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Carolina.

Mr. LA FOLLETTE. Mr. President, if I understand the parliamentary situation, it is proposed by the Senator from South Carolina, the chairman of the committee in charge of this bill, to add to the amendment proposed by the Senate committee certain words which I will ask the Secretary to read.

The SECRETARY. On page 10, after the committee amendment which reads "unless such offense is a felony," it is proposed to add the words "under the laws of the United States," so that it will read:

Of an offense purely political, unless such offense is a felony under the laws of the United States.

Mr. LA FOLLETTE. Now, Mr. President, if it be in order, I move as a substitute the striking out of the words sought to be amended by the committee amendment; that is, simply rejecting, instead of adopting, the motion offered by the Senator from South Carolina and also the words "unless such offense is a felony."

The VICE PRESIDENT. That is accomplished by disagreeing to the amendment of the Senator from South Carolina, or agreeing to it and subsequently disagreeing to the amendment as amended. It does not take a motion.

Mr. LA FOLLETTE. Then, Mr. President, I will say just a word on the pending amendment.

I trust that the amendment will not be adopted and that the Senate will immediately thereafter reject the committee amendment, to wit, vote out of this bill the words "unless such offense is a felony," permitting the law to stand as it now is.

I am very much surprised, Mr. President, that the committee has reported to the Senate this bill containing the amendment in the italicized words on line 7, page 10, which I have just quoted. If the Senate Committee on Immigration were seeking to make it impossible for the President to approve this bill, I can not conceive of any way in which they could have adopted

language which would tend more to force that result. I can not add to the strength of the argument made by the Senator from Missouri that those words should have no place in any law passed by an American Congress; but I speak first, Mr. President, of the folly of incorporating in this bill the phraseology on line 7, page 10, which would completely destroy the entire policy of asylum which we have preserved from the very beginning of this Government and would raise at once again probably the strongest reason advanced by the President in his veto message against this bill. I want to remind the Senators of the language of that message. The President said:

This bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men, and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

That last clause is directed, of course, against the literacy test, but the other is leveled at the provisions in the bill which the President vetoed which, as he said, all but closed the door of asylum, changing radically the policy of this Government. The amendment which the committee has reported here is more radical in that respect than anything contained in the bill which the President vetoed.

I read further from the President's message of veto:

Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatriots of these illustrious Americans must stand amazed to see the representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed and adopted, and it is impossible for me to assent to it in the form in which it is here cast.

Mr. President, Garibaldi, Kossuth, Gen. Franz Sigel, and Carl Schurz would never have been admitted into this country with that provision in the law; and if this provision be incorporated in our immigration laws you will deny admission into this country of any man who from purely political and patriotic motives raises his hand against tyranny and oppression in any government.

Mr. GALLINGER obtained the floor.

Mr. SMITH of South Carolina. After consulting with other members of the committee, in order not to burden the bill with what seems to be a matter of grave concern on the part of some, and with the statement also that it is fairly well met by our existing laws against crimes other than political ones, such as murder, to which I called attention a moment ago, I personally withdraw my amendment, and the committee consents to the amendment offered by the Senator from Missouri. I withdraw the committee amendment.

Mr. GALLINGER. Mr. President, before that is done, I do not rise to strenuously oppose the matter or to oppose it at all, but I think I understand the purpose the committee had in view in using the language that is now in the bill and which it is proposed to eliminate. The law as it now stands is—

That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude.

That language will not be changed if the amendment or amendments proposed shall be agreed to, but there was one case decided by the Immigration Commissioner which I think perhaps may have influenced the committee. I do not know whether it did or not. I want to read that case:

Miroslav Sichinsky, a Ruthenian, who in 1908 assassinated Count Andris Potocki, governor of the Austrian Province of Galicia, will be permitted to remain in the United States. The Bureau of Immigration has decided Sichinsky's offense was political.

Sichinsky shot the governor during a private audience. He was sentenced to 20 years' imprisonment, but escaped and came to America, and was admitted because his record was not known. Recently Sichinsky went to Ellis Island, gave himself up, said he wanted to become an American citizen, and asked the immigration authorities to pass on his case.

And the immigration authorities decided that his offense was purely political and he was allowed to remain in the United States. That case looks to me very much like deliberate murder. I do not believe the man ought to have been allowed to remain in the United States, but it was decided that it was a political offense. I suppose he is living somewhere in our country.

I apprehend that the committee may have had in view cases of that kind, but possibly—

Mr. SMITH of South Carolina. The committee had just such cases in view. But if the Senator will allow me, in the existing law there is exactly the same wording you will find in the House text here, and there are also the words "not involving moral turpitude," but the House committee concluded that that was a question purely to be decided by the courts and meant nothing in the bill, that it added nothing to it nor subtracted nothing from it. After concurring with members of the committee we are of the opinion that the courts can take care of that.

Mr. GALLINGER. Of course, I submit to the judgment of the Senator from South Carolina, the chairman of the committee, and his associates on this as I would on almost any other question connected with this very important bill, yet I am troubled in my mind about cases such as I have cited.

Mr. SMITH of South Carolina. I should like to state to the Senator from New Hampshire that just such cases as he cites, and particularly that case, largely influenced the committee. As I said in my remarks this morning, it looked like a question of pure personal malice or murder; yet we recognize the fact that we can not legislate here for exceptions, that we must legislate for a general rule, and though these exceptions come in and are to be deplored, yet for the greater good the committee makes this concession.

Mr. GALLINGER. I did not make the observation I have or cite that case with a view of combating the better judgment of the committee, and of course I shall not oppose the amendments that have been suggested.

Mr. REED. Do I understand that the Senator from South Carolina withdraws the amendment?

The VICE PRESIDENT. He can not do it. He has no power to do that. The question is on concurring in the amendment made as in Committee of the Whole. The Senator from South Carolina has withdrawn his amendment to the amendment, but the question now is, Will the Senate concur in the amendment made as in Committee of the Whole?

The amendment was nonconcurring in.

The VICE PRESIDENT. The bill is still in the Senate and open to amendment.

Mr. REED. Mr. President, I desire now to call the attention of the committee to another matter which is referred to in Mr. Marshall's letter and which I think I can better state by reading his letter than by offering an amendment. I believe this will meet with the approval of the committee, if they will give it close attention:

11. The second amendment called for relates to the separation of wives from their husbands and parents from their children, which will be brought about by the definition given to the term "aliens" in section 1 of the pending bill. It reads:

"That the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

I hope the Senator from Massachusetts [Mr. LODGE] will be so kind as to notice this matter that I am reading, because I think it will appeal to him. The language of the bill Mr. Marshall calls attention to is:

"That the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

Taking this language, it necessarily means that the foreign-born wife or children of one who, after migrating into the United States, becomes a naturalized citizen, continue to be "aliens" within the meaning of this act, since they are neither native born nor naturalized. Hence, if the family of a naturalized citizen should come to this country to join the head of the family, even though they may have resided here and may have gone abroad temporarily only, they may be deported. If this is not a separation of the kind characterized, but which could not have been contemplated, although literally provided for, language loses its significance.

Moreover, a native-born woman who marries an alien loses her citizenship by the fact of such marriage. Should she, therefore, take a trip abroad, on returning to this country she is subject to deportation because of her alienage, should she have contracted a disease, or have become the victim of a misfortune which brings her within one of the classes of deportable immigrants. That this is not mere fancy is indicated by the recent decision of the United States Supreme Court in *Mackenzie v. Hare* (239 U. S., 299).

Under the existing law a woman who might lawfully be naturalized who married a citizen of the United States is to be deemed a citizen. (*Kelly v. Owen*, 7 Wall., 496; *Low Wah Suey v. Backus*, 225 U. S., 473.) This excludes Chinese persons, but includes those of the white race. Yet a foreign-born woman not naturalized, though she becomes a citizen by the naturalization of her husband, as do their children under the age of 18, will still remain an alien within the meaning of the immigration law, if this proposed definition of an "alien" is enacted, and becomes subject to all the conditions and prohibitions which the act contains which are applicable to aliens.

In order to avoid these untoward consequences, the least that can be done is to amend this definition by adding the words "other than the wife and other than the children under 18 years of age of any native-born or naturalized citizen of the United States."

It seems to me that that is unanswerable and that the committee did not intend to exclude the particular class of individuals referred to in Mr. Marshall's letter.

Mr. SMITH of South Carolina. Section 22 provides—

That whenever an alien shall have been naturalized or shall have resided in the United States for seven consecutive years, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained.

Section 22 gives relief on the very point to which the Senator has directed attention. They are detained until it is found whether they would jeopardize the welfare of citizens of the United States. The minor children, I believe those under 18 years of age, and the wife of any naturalized citizen are allowed to come into this country with the exception I have just cited, but if they have contracted some contagious disease or are in a physical condition to endanger the health of citizens of the United States they are detained until it is found whether the disease is curable. If it is incurable, then they must be deported.

Mr. REED. The Senator is correct as far as that goes, but that does not cover, as I understand it, the case referred to by Mr. Marshall. Take the case of a native-born woman who marries an alien. She visits Europe and seeks to again come into this country, but she has contracted or had when she went away some one of the ailments which would make her ineligible as an immigrant.

Mr. SMITH of South Carolina. She is native born?

Mr. REED. Yes; she is native born, but when she marries an alien she becomes an alien. Such a person would be excluded.

Mr. SMITH of South Carolina. Notwithstanding her birth?

Mr. REED. Notwithstanding her birth.

Mr. LODGE. A native-born woman does not change her legal citizenship.

Mr. REED. The bill says "native born."

Mr. LODGE. She does not change the place of her birth because she marries an alien.

Mr. REED. Undoubtedly she does not change the place of her birth, but she loses her status as native born when she marries an alien, because she thereby becomes in law an alien and comes within the term "alien" as used in the bill and can be excluded as an alien although born in this country.

Mr. SMITH of South Carolina. "Native born or naturalized."

Mr. REED. It will not do to undertake to smile away the carefully prepared criticism by Mr. Marshall. He has been a student of this class of legislation for many years, and is a great lawyer.

I will say frankly to the Senate since receiving this letter—for it was handed to me on the floor of the Senate this morning by my clerk after he opened the mail—I have not had the opportunity to read and compare every part of the bill. I know the committee does not want to produce the result which Mr. Marshall thinks is produced by the bill.

Now, I will call attention to two or three things Mr. Marshall says.

First let me say the language of the bill says "that the word 'alien,' wherever used in this act, shall include any person not a native-born or naturalized citizen of the United States."

Mr. Marshall makes this observation—I call attention to it again even if I may be a little wearisome:

Taking this language, it necessarily means that the foreign-born wife or children of one who, after migrating into the United States becomes a naturalized citizen, continue to be "aliens" within the meaning of this act, since they are neither native born nor naturalized.

Mr. LODGE. If the woman is not native born the alien can not be marrying a native born. Let me say to the Senator that this matter was presented by Mr. Marshall to the House committee. Mr. Marshall is a very able lawyer; I have the pleasure of knowing him. He has fought this legislation with the utmost ability always from the beginning. He would like to defeat it all. I think some of his points are good, but I thought in the past this point had not any merit. That is my honest opinion. I refer to the point Mr. Marshall presents, and which he has previously presented, if I am not greatly mistaken.

Mr. REED. Well, let me conclude the statement. Mr. Marshall says:

Hence if the family of a naturalized citizen should come to this country to join the head of the family, even though they may have resided here and may have gone abroad temporarily only, they may be deported.

What is the language of the bill that escapes from that?

Mr. HUGHES. Mr. President, I should like to say that I think the Senator's criticism is not met by the statement made by the chairman of the committee.

Mr. LODGE. What the Senator is speaking of now is the present law?

Mr. HUGHES. This bill provides that an alien may send for his wife. I think Mr. Marshall is directing his attention, and the attention of Senators, to a case where a woman seeks to return to this country, and her children seek to return. This bill makes no provision for such a case. It simply provides that when an alien has resided a certain number of years in this country and has become naturalized, he can send for his wife and children; and, unless there is some disqualification, they may come in; but the language fails to deal with the case of a woman who was in this country, who was married to a naturalized citizen of this country, and then departed and desired of her own motion to return to this country. Suppose the husband does not send for the woman; suppose she returns of her own motion? That is a conceivable case.

Mr. SMITH of South Carolina. The law simply contemplates the putting of the naturalized citizen into exactly the same category with the native-born citizen. If a native-born citizen were to go abroad and marry, and afterwards wanted to bring his wife and children into this country, the status of the naturalized and the native-born citizen under this bill would be exactly the same. I suppose this was not called to the attention of the committee; but if it had been, I do not suppose it would have received very serious consideration. The case cited by the Senator from New Jersey [Mr. HUGHES], as I understand, is one where a naturalized citizen marries in this country a woman who is foreign born, and then she goes abroad and decides on her own motion to return. Such a woman would hardly return unless she returned as Mrs. So-and-so. The law contemplates that when a naturalized citizen of this country marries a woman the woman takes on the status of the man, whether she is native born or foreign born.

Mr. REED. Exactly. Now, if she then goes to a foreign country and is at the time afflicted with or while abroad contracts a disease which brings her within the proscribed classes, she could not return under the terms of this bill.

Mr. SMITH of South Carolina. After she has been a resident of this country, she, of course, has the status of my wife or of your wife.

Mr. REED. That is just where I think the Senator is mistaken.

Mr. SMITH of South Carolina. It is as plain as can be. How could the courts decide otherwise? Here is a naturalized citizen—

Mr. REED. I have sent for a Supreme Court decision which I think will settle that matter, if I can get the decision here.

Mr. SMITH of South Carolina. It seems to me that the very common sense of the case would appeal to every man here—that a naturalized citizen, having now assumed the status of a native-born citizen, if his wife leaves this country she would be a naturalized American. She is an American citizen; she has established her citizenship, and she goes abroad and comes back with the same status that she had when she left. This bill contemplates that after a man has become a citizen, if his wife and children should go abroad and he afterwards desires to send for them, he can send and bring them here, but with the restriction that they shall be examined.

Mr. BRADY. Before they have been naturalized?

Mr. SMITH of South Carolina. Yes.

Mr. REED. But the Senator from South Carolina overlooks the point that Mr. Marshall makes; and I have sent for the Supreme Court decision, which I have not had the opportunity to examine, but which Mr. Marshall cites, where the court has held, according to Mr. Marshall, that a woman who marries a resident here who is an alien she no longer has the status of a native-born nor of a naturalized citizen. She does not come within either class, although she was born in this country. If that is the state of the law, the bill ought to be amended. I now have the decision, let me call attention to what the court has said.

The point I am making now is this: Mr. Marshall makes the statement that the only exceptions in the bill are that the term "alien" does not include a native-born or naturalized citizen. Then the bill is built around that definition of the term "alien."

Mr. SMITH of South Carolina. But it does include native born and naturalized.

Mr. REED. But Mr. Marshall makes the point, under the decision of the Supreme Court in MacKenzie against Hare and others, that the court has held that if the native-born woman marries an alien she loses her citizenship by that fact and that she is no longer classed as a native born, because she has married herself to one who is an alien. Neither is she a naturalized person, because she did not after becoming an alien by marriage become naturalized. Such being the case, the language of the bill is broad enough to exclude that particular woman.

Mr. SMITH of South Carolina. The point, then, the Senator from Missouri is making is that if a native-born woman marries an alien and goes abroad, when she seeks to return she then has the status of an alien?

Mr. REED. Yes; and she can not under the bill come in if she is suffering from a disease or has incurred any other of the disabilities named in the bill which exclude an alien. I will merely read the syllabus of this opinion. It is as follows:

In construing a statute whatever was said or given prominence in debate gives way to its actual language as passed. All reasons that induced its enactment and all of its purposes must be supposed to be satisfied and expressed by its words as finally enacted.

Under the Constitution every person born in the United States is a citizen thereof.

The provisions in section 3 of the citizenship act of March 2, 1907, that any American woman who marries a foreigner takes the nationality of her husband is not limited as to place or effect prior to the termination of the marital relation.

Where an act of Congress is explicit and circumstantial, as in section 3 of the citizenship act of 1907, it would transcend judicial power to insert limitations or conditions upon disputable considerations.

Whatever may have been the law of England and the original law of this country as to perpetual allegiance of persons to the land of their birth Congress by the act of 1868, now Revised Statutes, 1998, explicitly declared the right of expatriation to have been the law.

Now, notice:

The identity of husband and wife is an ancient principle of our jurisdiction—

It should have been "jurisprudence"—

and is still retained, notwithstanding much relaxation thereof; and while it has purpose, if not necessity, in domestic policy it has greater purpose, and possibly greater necessity, in international policy.

As a Government the United States is invested with all the attributes of sovereignty, and has the character and powers of nationality, especially those concerning relations and intercourse with foreign powers.

Citizenship is of tangible worth, but the possessor thereof may voluntarily renounce it, even though Congress may not be able to arbitrarily impose such renunciation.

Marriage of an American woman with a foreigner may involve national complications of like kind as physical expatriation may involve, and is therefore within the control of Congress.

Marriage of an American woman with a foreigner is tantamount to voluntary expatriation, and Congress may without exceeding its powers make it so, as it has, in fact, done by the act of March 2, 1907. (165 California, 776, affirmed.)

So that, if I can make this plain, as I see it this is the situation: We define an "alien" to be any person whomsoever who has not been naturalized or who is not native born. The committee undoubtedly thought that covered everybody, but here is presented the case of a woman who was native born, but who has expatriated herself by marrying an alien. Hence she loses her status as a native born and becomes under the law a subject of the foreign power to which her husband owes allegiance, and is to be treated as a subject of that foreign power as much as though she were born there. Hence she is an alien within the law.

Mr. LANE. Mr. President, if the Senator will allow me—

Mr. REED. In one moment. That woman, who has become an alien by expatriation, goes to Europe, and while in Europe contracts some disease or incurs some other disability which would bar her if she were coming to this country as an original citizen of that country, as one born in that country. When she comes here and pleads "I am a native-born citizen and therefore entitled to return," the answer to her is "Under the decision in Mackenzie against Hare you have lost your status as a native born and can not come in as a native born. Neither can you come back as a naturalized person, and you must be barred from this country the same as though you were born in another country, because you have become a citizen of that country by your act of expatriation, to wit, the act of marrying a man who is not a naturalized or a native-born citizen of this country." So that it seems to me now, with the law so plainly before us, that the committee ought to adopt the language that is suggested by adding the words "other than the wife and other than the children under 18 years of age of any native-born or naturalized citizen of the United States."

Mr. LANE. Now, will the Senator allow me to interrupt him?

Mr. REED. Yes. I merely desired to finish the statement I had in mind.

Mr. LANE. I desire to call the attention of the Senator from Missouri to an example, which came to my notice during the last presidential campaign, of a woman in my State who had married a foreigner who had not been naturalized in this country. She lost her citizenship, and as she had not had time to take out her second papers she was excluded from voting at the last election. Now, it seems to me that is absolute confirmation, is it not, of the position of the Senator from Missouri?

Mr. REED. Yes.

Mr. LANE. That incident astonished me. I was not familiar with the law, but the woman assured me she had lost her vote, although she was native born. I knew her parents and knew

she was born in this country, but after her marriage to the foreigner she failed to take out naturalization papers and was not entitled to vote in this country.

Mr. SMITH of South Carolina. Mr. President, I have just a word or two to say. This is another case where, in order to take care of an exception, it is proposed to jeopardize the entire rule. The moment the suggested amendment is placed on the bill you open a Pandora's box.

In defense of the committee's position, I want to state now that when an American woman deliberately marries a foreigner, knowing the consequences as to her native country, she must take the consequences. If she elects to cease to be an American citizen, let her take her luck with those with whom she has cast her lot. I do not believe that we should here advocate having a dual citizenship and allow one who was born here to retain her American citizenship when she deliberately establishes her citizenship in a foreign country. It might lead to complications under certain conditions in this country that we would not be very willing to face. Here is the wife of a foreigner, an influential one, who wants to come to this country. We have certain immigration laws that might protect us under certain conditions, but she pleads this very amendment in her behalf. To all intents and purposes she is a foreigner; her heart and life are cast abroad, and yet she pleads her nativity as an excuse for enjoying all the privileges of a native American citizen.

It seems to me that there are enough American men attractive enough for the American women to find their husbands here, but, if there are not, then I am not going to vote for a law to foster this thing of American capital hunting some effete European title. I should like to make the provision more restrictive, if possible. If they want to swap American dollars for some kind of European titles, let them take the consequences of their act, but let us not upset our entire immigration law to suit the fancy of some woman who thinks that her money has procured all that she can get in America, but who also desires to buy some kind of a title that will give her the right to play the fool.

Mr. REED. Oh, Mr. President, the kind of woman that the Senator is talking about—and it seems to me that his argument ought hardly to be heard on the floor of the Senate; it would sound all right on the hustings, where one was trying to arouse a little enthusiasm or get a little applause, an offense that we are all guilty of at times—the kind of woman who swaps American dollars for a foreign title, goes to a foreign country to live. She follows the title she bought. However, there are plenty of good women in this country who may fall in love with some man born under some other flag, but who lives here and makes this his home, and who may marry that man and may afterwards see fit to make a trip beyond our borders. Let us take a very easy illustration.

A Canadian—not a man with a title, but a man with a trade—comes across the border into Minnesota or one of our border States, falls in love with an American girl, marries her, and settles there, and she marries him for the same reason that good women have married good men at every stage of the world's history; but the husband does not see fit to renounce his allegiance to the flag of England. The woman discovers that by marrying she has lost her status as an American citizen. She makes a trip to Canada and before going has contracted or while there she contracts tuberculosis or some other disease that would bar her if she had been born in Canada and were emigrating to this country. When she undertakes to come back to her husband she is met by an immigrant inspector who tells her she can not come in. She says, "I was born in the United States. My parents were born in the United States." But the inspector says to her, "You must stay out of the United States because you are neither native born nor naturalized; you lost your status as a native-born person when you married a subject of England."

Now, we ought not to allow a thing of that kind. It is not necessary to mar or break up the harmony of this bill by admitting an amendment that will do away with a possible wrong of that sort.

Mr. President, I move to insert in the bill, after the words "United States," on page 1, line 5, this language:

Not, however, including the wife of an alien, provided such wife was born in the United States, or the children of such marriage under 18 years of age.

Mr. HUGHES. Mr. President, I think the Senator is mistaken in his construction of this bill. The decision which he referred to a while ago was dealing with the right of a woman to vote under a State law. I presume that a State may provide that a woman who marries a foreigner expatriates herself to the extent of preventing her from exercising the right to vote where she otherwise might have that right; but nothing

that the Supreme Court can write in the way of an opinion and nothing that any State legislature can enact in the way of a statute is going to alter the effect of this language, which is not dealing with naturalization except as it uses the term "naturalized" in order to classify certain people who are attempting to obtain admission to this country.

The first section of this bill provides that native-born citizens shall not be classed as aliens. Now, a woman may marry a foreigner and may thus lose her right to exercise the franchise in this country; but by no possible construction of this language can any such decision as that in any way affect her rights when she presents herself, in the capacity of a native-born American woman, and demands that she be admitted into the ports of the United States.

It seems to me that any attempt to amend the bill with a view to remedying a defect of that kind will perhaps open the bill and make it amenable to other criticisms, because it will be hard to follow the precise effect of the language which the Senator has just proposed. As far as I am concerned, if I thought the bill had the effect that the Senator thinks it has, I would not have any hesitancy in voting for his amendment or some other amendment calculated to remedy the difficulty; but in my opinion every native-born woman or native-born man or native-born child, regardless of what State courts may enact with reference to their right to vote, will be admitted under the language of this bill; and I propose to vote against the amendment.

Mr. REED. Mr. President, I simply want to say, in conclusion, that the Senator is entirely in error. While this was an election case, the principle laid down is that marriage by an American-born woman to one who is neither native born nor naturalized immediately annuls her citizenship and makes her an alien, just as though she had been born in another country.

Mr. HUGHES. This act makes her not an alien. It says precisely that native-born persons are not aliens; and no decision of the Supreme Court and no statute of any legislature can make an alien out of a native-born woman.

Mr. REED. That is exactly what was contended in the Mackenzie case.

Mr. HUGHES. They simply contended that she lost her right to vote. A State has a right to put practically any qualification on the right to vote.

Mr. REED. But the language in the act was language similar to this. The Senator overlooks the fact that when in writing a law you employ a term you employ it in the light of the definitions that have been in the past attached to that term; so that, as is laid down in the Mackenzie case, the definitions have always held that one ceases to be regarded as a native-born citizen the moment he expatriates himself from the country, and that that act of expatriation may be the simple marriage of a woman to a foreigner.

Mr. HUGHES. Mr. President, would the Senator contend that this rich New Yorker who has gone and taken up his abode in England, and is now a member of the British House of Lords, if he presented himself at the ports of the United States for admission, would be held not to be a native-born American?

Mr. REED. Why, certainly I would say that.

Mr. HUGHES. Then the Senator is wrong about it, because that particular individual has returned to this country a great number of times, and has always been treated, as he has a right to be treated, as a native-born American citizen. He is a native-born American citizen, and this statute is not dealing with citizenship. It is not dealing with any of his rights except the naked right to come into this country.

Mr. REED. The argument which the Senator makes gets him nowhere.

Mr. HUGHES. It does not get me anywhere with the Senator.

Mr. REED. No; and it does not get the Senator anywhere with anybody who understands the logic or the law of the Mackenzie case, because it is in the teeth of the case. The court says:

An earnest argument is presented to demonstrate its invalidity—

Mr. BORAH. Mr. President, I will ask the Senator from what case he is reading?

Mr. REED. Mackenzie against Hare, Two hundred and thirty-ninth United States, page 299. [Reading:]

Its basis is that the citizenship of plaintiff was an incident to her birth in the United States, and, under the Constitution and laws of the United States, it became a right, privilege, and immunity, which could not be taken away from her except as a punishment for crime or by her voluntary expatriation.

The argument to support the contention and the argument to oppose it take a wide range through the principles of the common law and international law and their development and change. Both plaintiff and defendants agree that under the common law originally allegiance was immutable. They do not agree as to when the rigidity of the principle was relaxed. Plaintiff in error contests the proposition

which she attributes to defendants in error "that the doctrine of perpetual allegiance maintained by England was accepted by the United States," but contends "that the prevalent doctrine of this country always has been that a citizen had a right to expatriate himself," and cites cases to show that expatriation is a natural and inherent right.

Whether this was originally the law of this country or became such by inevitable evolution, it is not important to inquire. The first view has certainly high authority for its support. In *Shanks against Dupont* (3 Pet., 242, 246) Mr. Justice Story, delivering the judgment of the court, said: "The general doctrine is that no persons can by any act of their own, without the consent of the Government, put off their allegiance and become aliens." And Kent, in his commentaries, after a historical review of the principle and discussion in the Federal courts, declares that "the better opinion would seem to be that a citizen can not renounce his allegiance to the United States without the permission of Government declared by law, and that, as there is no existing legislative regulation on the case, the rule of the English common law remains unaltered." (2 Kent, 14th ed., 49.) The deduction would seem to have been repelled by the naturalization laws, and it was certainly opposed to executive opinion and, we may say, popular sentiment, so determined that it sought its vindication by war. Further discussion would lead us far afield, and, besides, would only have historical interest.

The condition which Kent suggested has occurred: there is a legislative declaration. In 1868 (ch. 249, 15 Stat., 223) Congress explicitly declared the right of expatriation to have been and to be the law. And the declaration was in effect said to be the dictate of necessity. The act recites that emigrants have been received and invested with citizenship in recognition of the principle of the right of expatriation and that there should be a prompt and final disavowal of the claim "that such American citizens, with their descendants, are subjects of foreign States." (Rev. Stat. par. 1999.)

But plaintiff says, "Expatriation is evidenced only by emigration, coupled with other acts indicating an intention to transfer one's allegiance." And all the acts must be voluntary, "the result of a fixed determination to change the domicile and permanently reside elsewhere, as well as to throw off the former allegiance, and become a citizen or subject of a foreign power."

The right and the condition of its exercise being thus defined, it is said that the authority of Congress is limited to giving its consent. This is variously declared and emphasized. "No act of the legislature," plaintiff says, "can denationalize a citizen without his concurrence," citing *Burkett v. McCarty*, 73 Kentucky (10 Bush), 758. "And the sovereign can not discharge a subject from his allegiance against his consent except by disfranchisement as a punishment for crime," citing *Ainslie v. Martin*, 9 Massachusetts, 454. "The Constitution does not authorize Congress to enlarge or abridge the rights of citizens," citing *Osborn v. Bank of United States*, 9 Wheat., 737. "The power of naturalization vested in Congress by the Constitution is a power to confer citizenship, not a power to take it away." "The fourteenth amendment, while it leaves the power where it was before, in Congress, to regulate naturalization, has conferred no authority upon Congress to restrict the effect of birth declared by the Constitution to constitute a complete right of citizenship."

Now, that is the contention that the plaintiff made.

It will thus be seen that plaintiff's contention is in exact antagonism to the statute. Only voluntary expatriation, as she defines it, can divest a woman of her citizenship, she declares; the statute provides that by marriage with a foreigner she takes his nationality.

It would make this opinion very voluminous to consider in detail the argument and the cases urged in support of or in attack upon the opposing conditions. Their foundation principles, we may assume, are known. The identity of husband and wife is an ancient principle of our jurisprudence.

That is the point, if I can have the attention of the Senator from New Jersey:

The identity of husband and wife is an ancient principle of our jurisprudence.

And if there is an identity under the law, then the status as native born gives way to that status the law fixes where it declares that the identity of the woman is merged in that of her husband, so that if he be a foreigner, she by marriage becomes also a foreigner.

It was neither accidental nor arbitrary, and worked in many instances for her protection. There has been, it is true, much relaxation—

And so forth; and so the court proceeds. I will not take the time to further read the opinion; but upon that doctrine, that the identity of the wife and husband are fixed by the marriage relationship, and that the wife takes the identity and citizenship of the husband, you make of this woman a foreigner. Being a foreigner, she can no longer be treated as native born. She has lost her status and her rights as a native-born American because of that act of expatriation. Now, unless the language of the bill is changed, women of that character will be excluded.

Mr. HUGHES. Mr. President, if the Senator's reasoning is correct, then, of course, this section of the bill, section 22, is absolutely useless and may be discarded as mere verbiage. The Senator contends that the identity of the wife becomes merged in the identity of the husband. This bill that provides that when an alien becomes naturalized he under certain restrictions may send for his wife. Why, if the identity of the wife became merged in the identity of the naturalized citizen, his wife could come in without any restriction at all. But we are not dealing with the right of various people to vote. The right to vote is entirely different from the right to obtain admission to this country. There may be a very good reason for saying that the wife of a man who owes allegiance to a foreign power shall not exercise any influence in the government of

this country, while there would be no reason at all for denying the same individual admission to the country.

Mr. REED. Well, let us vote. I am ready to vote on it. I have stated the case.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The question is on the amendment of the Senator from Missouri, which will be stated.

The SECRETARY. On page 1, line 5, after the words "United States" and before the semicolon, it is proposed to insert:

Not, however, including the wife of an alien, provided such wife was born in the United States, or the children of such marriage under 18 years of age.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri. [Putting the question.] By the sound the ayes appear to have it.

Mr. SMITH of South Carolina. I ask for a division, Mr. President.

The PRESIDING OFFICER. All those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is lost.

Mr. REED. Does the Chair hold that the amendment was lost? Did the Chair cast the deciding vote?

The PRESIDING OFFICER. No; the Chair voted in favor of the amendment. The vote was 5 to 6.

Mr. REED. Very well. That vote indicates—and I hope it will be recorded—the attention that the Senate is giving to this bill.

Mr. POINDEXTER obtained the floor.

Mr. REED. There is one other amendment that I desire to offer, if the Senator will permit me, and then I will be through with my amendments.

Mr. POINDEXTER. I offer the amendment which I send to the desk. I hope the chairman of the committee will not object to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 4, line 15, after the colon following the words "United States," it is proposed to insert:

Persons who can not become eligible under existing law as citizens of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER].

Mr. SMITH of South Carolina. That amendment raises the same question we have been debating here for several days. It seeks to accomplish the same thing which has been voted down several times.

Mr. POINDEXTER. I was present during a considerable part of the debate the Senator from South Carolina refers to and paid very close attention to it. My understanding of the issue that was involved there and the objection that was made by the Senator from South Carolina was that the proposed amendment interfered with some treaty obligation of the United States.

Mr. SMITH of South Carolina. No; it was interfering with no treaty obligations; it was rendering ineffective certain treaty obligations by statute. If the Senator from Washington will allow me right here to make a statement, the committee that have charge of the bill have tried to guard this country right along the line the Senator from Washington desires to do, and we have accepted amendments from time to time that have drawn as clearly as can be done the color line without giving offense or without violating our pledged word in a written form of convention, treaty, or statute. For that reason I think that everything the Senator desires in reference to his section of the country will be accomplished by the bill so far as legislation of this kind can accomplish it. The thing that is sought by Senators from that part of the country can only be accomplished by a modification of the existing treaty.

I earnestly implore the Senator to consider that the amendment which he proposes can only give offense, and in the administration and execution of this law could bring no possible good. The redress the Senator seeks can only be given by a treaty or by a statute in this country prohibiting in words or rescinding and abrogating the agreement that is now kept with this country.

Mr. POINDEXTER. Mr. President, the statement of the Senator from South Carolina corroborates the assertion I made a moment ago, that the amendment which was debated here the other day hinged upon the contention that it was in violation of a treaty obligation, or, in order to make the statement comprehensive enough, either a treaty obligation or some passport agreement or gentleman's agreement outside of the formal provisions of the treaty.

The Senator from South Carolina is entirely mistaken if he assumes that the amendment which I have just proposed will interfere with any agreement between this country and any foreign country, either in the form of a treaty or otherwise. I

would be very much obliged to the Senator in a moment, when I have taken my seat, if he will point out to the Senate in what way this amendment in any way conflicts with the treaty obligations of the United States or with any private agreement.

The contention which has been made against amendments upon this subject has been that they violated the favored-nation clause of certain treaties which the United States has with foreign countries. That can not be said of this amendment, because it is applicable alike to every nation in the world.

The Senator raises the issue here that we are seeking to reach some special problem that exists on the Pacific coast in relation to a country that he is apparently afraid to call the name of. I know what he is talking about; he is talking about Japan. This amendment has no relation to Japan any more than it has to England and Germany and France. How can Japan, if the Senator from South Carolina desires to put the argument upon that basis, claim that this is a violation of the favored-nation clause of our treaty with Japan if it is applicable to every other nation in the world? The most favored nation in the world would be subject to this amendment, if it is adopted, as well as the least favored nation. It is absolutely universal. It comprehends the entire world. It applies to every nation. The Senator from South Carolina can not successfully dispute that proposition. The language is too plain to admit of any dispute.

So I should like to know what objection the Senator can find to the amendment if he is in favor of the object which is sought to be accomplished, as he has said that he is.

Mr. SMITH of South Carolina. Mr. President, the language that was stricken out by the committee, and which was ratified by the Senate yesterday overwhelmingly, is as follows:

Hindus and persons who can not become eligible, under the existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into.

There was very strenuous objection to calling attention to the existing law which makes certain nationalities ineligible, but who by virtue of an agreement acknowledge that fact in spite of a treaty existing which recognizes the most favored-nation clause. For that reason, in order to avoid making this discrimination, which we have agreed not to make, the committee substituted certain geographical lines to exclude those they desired to exclude for the reasons which have been discussed here, and in those lines not to include those that we had agreements with but which agreements did exclude them in spite of the favored-nation clause.

I think, Mr. President, this is about the thirtieth time I have repeated this statement. The Senate ratified the action of the committee yesterday. It is the identical language sought to be reincorporated here that the Senate yesterday voted out because these people are not eligible, but under the most favored-nation clause in our treaty they would become eligible. Therefore, by private agreement, they living up to it and we living up to it, those we wish to exclude are excluded. We made no invidious distinction, but lumped it all together, and it met the approval of the Senate and reaches the very object the Senator from Washington desires to accomplish.

Mr. PHELAN. Mr. President—

Mr. POINDEXTER. I will yield to the Senator from California in just a moment, if he will pardon me.

Mr. PHELAN. I merely desire to ask the Senator from South Carolina in charge of the bill what warrant he has to say that there is any provision in any treaty with Japan giving them the privileges of the most favored nation?

Mr. SMITH of South Carolina. Because it is in the treaty.

Mr. PHELAN. Will you name the treaty?

Mr. SMITH of South Carolina. The treaty of 1911.

Mr. PHELAN. I have examined the treaty and can not find it.

Mr. SMITH of South Carolina. I presume the reading of the text and the construction of the State Department would be authority. The State Department informed the committee that it was advisable to have this very matter incorporated which we incorporated. That is the department which has to deal with the administration and execution of treaties and conventions, and they advised us that this was a solution agreeable to them and agreeable to foreign powers. It was their construction of the law that the present treaty is to all intents and purposes a favored-nation treaty.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER. The Senator from Washington has the floor.

Mr. POINDEXTER. When we were confronted here a short time ago with legislation controlling the use we should make of the Panama Canal, after we had expended an enormous sum of money in its construction, supposedly for the benefit of the

people who paid the money, we were told that we could not use it for the special benefit of the people of the United States because there was a treaty with a foreign country which prohibited us from doing it. Likewise, a short while ago, when Congress by formal action attempted to favor its own citizens against aliens by making a discriminating provision in the tariff duties in favor of goods that were imported in American ships, authorities outside of Congress held the law to be entirely nugatory, because they said that we could not favor our own citizens in that way on account of a treaty with a foreign country.

So it is now, when we are attempting here for the third or fourth or fifth time to put on the statute books a law that has long been needed, to bring up to date, to suit the new conditions of population and of competition of labor, a law regulating the immigration of aliens in the United States, we are told in the same tones, in a familiar way, that we can not accomplish what we seek to accomplish, because our hands are tied by some provision in a treaty with a foreign country.

These are only a few examples, Mr. President, of the encroachment upon the freedom and sovereignty of the United States, which is supposed to be a sovereign Nation, in dealing with its own affairs by constructions that are forced constructions, which are put upon treaties that are passed here frequently without being read.

Mr. President, the same sovereign authority which made these treaties may modify or repeal them. I for one am getting weary of the limitations which we find ourselves hedged around with in attempting to legislate upon purely domestic matters—and this, in its essence, is purely a domestic matter. No foreign country should properly have any right to discuss it with us. By a surrender which we have made in treaties with foreign countries we are said to be ousted of our sovereign rights.

I think myself that a great many of our treaties need revision, and that as long as so many commissions are being appointed it might be very timely to appoint a commission to codify and revise treaties of the United States with foreign countries and propose the same for ratification, with amendments to make them fit the needs of the time.

But all that is aside from the question which is before the Senate now. The most favored nation clause of the treaty with Japan, or the treaty with any other country, does not provide, if such a clause exists, that they shall have certain rights in their relations with the United States. It provides, if it exists at all, that they shall have the same right in their relations to the United States that that nation has which is the most favored by the United States.

If this amendment is adopted, can Japan point out any nation in the world which is more favored than she would be under its terms? Certainly not, because it is applicable to them all alike. So how can it be said that it is in contravention of the favored-nation clause of any treaty?

The discussion here the other day was in regard to other portions of the House provision which the Senator from South Carolina invoked, which I have left out entirely in the amendment which I have offered. I refer to the House text which was stricken out by the Senate amendment containing this language:

Unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into.

It was the effect of that language which was discussed. That language is eliminated from the amendment which I have offered.

At the same time it may be said that the House of Representatives, by the provision which included this amendment, has shown that it favored the principle which it contains. So we have the encouragement at least of adopting, out of the many things which were referred to in the House provision, this one, which is free from the objections which were made to other portions of the provision, that it interferes with some foreign agreement or gentlemen's agreement or agreement in regard to passports or treaty with a foreign country. It contains no reference to any such thing, and yet it accomplishes the purpose which those of us who are interested in this question desire to accomplish, and it accomplishes it in a perfectly legal way. I do not think that any respectable court would entertain a discussion of the proposition that there is a discrimination by this provision which I have offered, that is universal in its application by its obvious terms.

Now, there is a question that is involved here. I had not intended to discuss it, because it is not necessary to discuss it. Why should it be raised here like a ghost as a taboo upon dealing with the question of immigration upon the Pacific

coast when it is not necessarily involved in the amendment which I have offered?

This amendment applies to the Atlantic coast, to the Pacific coast, to the Bahama Islands, to certain races in Africa, not to others. It extends the rule which limits naturalization to citizenship in the United States to immigration into the United States, and the effect of it is a wholesome provision that our industrial life should not be crowded, that our people engaged in the ever intensifying struggle for existence should not be put to sharp competition by a horde of aliens who have not the essential elements which will enable them ultimately to become merged into the currents of American citizenship.

If we can not make them citizens, has not the time come to prohibit their immigration and permanent residence in the United States? I am of the opinion that it has. I think we ought to be sufficiently free to deal with our social and economic problems to be able to say, and we ought to say, that all those who come to our shores to reside permanently and to make their homes here, to enter into our industrial life, should be such as ultimately may be accepted into full citizenship in our great national Republic. The House of Representatives have adopted that principle, as I said before, and it is a wholesome principle.

So far as the merits of the question are concerned which lie underneath this discussion as to oriental immigration, I am not going to pass strictures upon the peculiar, and I might say fantastic, amendment that has been evolved perhaps by some clerk up in the State Department, drawing an arbitrary line on the map across Asia and saying that those who are born on one side shall be admitted and those born on the other side shall not be admitted, regardless of their race, or blood, or character, or religion. There never was anything more farcical attempted in legislation, and there never could be anything that would be more offensive to intelligent people in the foreign countries affected than that sort of arbitrary, unreasonable, inconsistent arrangement, to exclude one and to admit the other when there is no difference whatever between them. It may be that in the case of members of the same family, born of the same parents, one would be excluded and the other admitted. They would be excluded because they happen to be on the wrong side of a red line that is drawn on the map, a line that includes a part of China and excludes a part of China, that includes great countries containing white people, and it was only after considerable insistence that they were accepted by a belated amendment. Yet the countries in which they live are included by this arbitrary classification.

This, Mr. President, is a real problem. It is not a mere academic discussion. It is no moot case and it is not a trivial matter. It is not like the problem that was referred to here yesterday by the Senator from Mississippi [Mr. WILLIAMS] with attempted sarcasm, the race problem of the South. The race problem of the South is historical. It had its origin 300 years ago. It has done all the damage that it is capable of doing to the people of this Republic. As he said, there are 14,000,000 of those people there. I dislike to see that discussion constantly brought up in the Senate of the United States every time we attempt to deal with some modern question. It is an old question. It is in process of settlement; it is something that can not be undone. This question that we are concerned with on the Pacific coast has its development in the womb of the future. We still have it in our power, with all the immense effect it may have upon our national destiny, to direct the course which it may take. That is not true of the conditions which exist in the Southern States, because they have been fixed by time, which we can not undo or recall. But if we have any pretense whatever to the qualifications which should fit a man for a seat in this body we can look somewhat into the future and deal with the beginning of another great racial question which begins to loom in large lines on the horizon, and a greater question than any that have troubled other sections of the country in the past.

It is not a question of how many orientals a month come into the United States but it is a question of having 168,000,000 orientals who are ready to come in or to send emigrants in to begin their competition in the industrial life of America, if steps are not taken to insure their exclusion.

The Senator from South Carolina says that this amendment will not make any difference in the existing conditions. If it does not make any difference in the existing conditions, it does not affront any nation; it does not name any nation; why does he object to it? It does make a difference in existing conditions because it puts upon the statute books of the United States what is now merely a patched-up informal understanding, illy enforced, through which there are constantly coming into the United States that stock which the Senator from California has described, which is to breed upon our

shores those who do not have to comply with the naturalization laws of the United States, because they are born citizens. That is the difference which it makes. It makes it without the violation of a treaty, without infringing in the slightest particular any passport or gentlemen's agreement. The Senator from South Carolina has wholly failed to say how it interferes or conflicts with any treaty.

I should like very much for the Senator to accept the amendment. I do not like to continue the discussion of the question here or to press the matter, with the inevitable result that we should be put to the test to see whether or not we can get a quorum, for it is doubtful whether or not we can—but let the matter go to conference. Then, in a quiet discussion, where the members of the conference committee can sit down and read the amendment and read the treaty, if it is then found that the assertion of the Senator from South Carolina, that it conflicts with the treaty, is true, let it be rejected. I should be perfectly willing to submit it to that test, and I hope that the Senator will not oppose it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington. Those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no."

Mr. SMITH of South Carolina. Mr. President, before the decision of the Chair is made, I shall ask for a vote by yeas and nays, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

Mr. POINDEXTER. Let me make a parliamentary inquiry, Mr. President. I understand the announcement of the Chair was made before the point of no quorum was raised.

The PRESIDING OFFICER. No; the Chair had not made his announcement of the result. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegge	Hughes	Martine, N. J.	Sherman
Bryan	Husting	Nelson	Shields
Catron	James	Norris	Simmons
Clapp	Johnson, S. Dak.	Oliver	Smith, Ga.
Clark	Jones	Overman	Smith, Mich.
Colt	Kenyon	Page	Smith, S. C.
Culberson	Kern	Penrose	Smoot
Cummins	Kirby	Phelan	Townsend
Curtis	La Follette	Pittman	Underwood
Fernald	Lane	Poinexter	Wadsworth
Gallinger	Lee, Md.	Pomerene	Walsh
Gore	Lippitt	Reed	Warren
Gronna	Lodge	Saulsbury	Watson
Harding	McCumber	Shafroth	Weeks
Hardwick	McLean	Sheppard	

Mr. WALSH. Mr. President, I rise to announce that my colleague [Mr. MYERS] is absent on account of illness.

Mr. PITTMAN. I wish to announce that the senior Senator from Louisiana [Mr. RANSDELL] is detained from the Chamber by sickness, and that the junior Senator from Louisiana [Mr. BROUSSARD] is also absent by reason of sickness.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS] by reason of illness.

Mr. LANE. I wish to announce the absence of the Senator from Mississippi [Mr. VARDAMAN] and of my colleague [Mr. CHAMBERLAIN] on official business.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, there is a quorum present. The question is on the amendment proposed by the Senator from Washington [Mr. POINDEXTER]. The Secretary will read the amendment.

The SECRETARY. On page 4, line 15, after the name "United States," it is proposed to insert the words "persons who can not become eligible under existing law as citizens of the United States."

Mr. GALLINGER. Will the Secretary please state how the text will then read?

The SECRETARY. So that it will read:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: Persons who can not become eligible under existing law as citizens of the United States, all idiots, imbeciles—

And so forth.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

Mr. SMITH of South Carolina. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, before the roll is called I merely wish to make a statement to the effect that this amendment is practically the same amendment relating to

the Japanese question which we voted down on yesterday. I hope that the Senate will not agree to the amendment.

Mr. POINDEXTER. Mr. President, in view of the statement made by the Senator from South Carolina, I want to make a counterstatement, that this is not the same amendment which was voted down on yesterday. It is true that it is a part of the House provision, but that part is entirely distinct from all of this controversy about treaties and passport agreements. It has no reference to any treaty or passport agreement. It does not violate any favored-nation clause; it does not, as the Senator from South Carolina would lead us to think by his statement, apply especially to Japan. On the contrary, it applies to every country in the world. It necessarily does so, because it is universal in the terms by which it is expressed.

The purpose of the amendment is simply this: If immigrants are coming to the United States—this is somewhat a repetition of what I have just said—to reside here, we admit them for the purpose of becoming residents in the United States and engaging in our industrial life; that they shall be such people as ultimately may become eligible for citizenship. That is all that the amendment effects. It embodies a principle which has been favored by the House of Representatives, it being true, as already stated, that it was contained in the House provision, for which the Senate substituted its amendment.

Mr. WALSH. Mr. President, I should like to inquire of the Senator from Washington what his view is as to whether or not his amendment does contravene the provision of the treaty which has been the subject of so much consideration here?

Mr. POINDEXTER. Mr. President, I understand the Senator from Montana inquires as to whether the amendment conflicts with any treaty or agreement?

Mr. WALSH. Not with "any" treaty. I inquire what is the opinion of the Senator from Washington as to whether or not his amendment does contravene the provisions of that treaty?

Mr. POINDEXTER. My opinion is that it does not. I do not think that that question is open to controversy. The Senator from Montana can determine it in a moment for himself. The language of the amendment is that there shall be excluded, along with various other classes which are mentioned, all those who can not become eligible for citizenship. The Senator can readily see that that does not conflict with any favored-nation clause, because it applies to the most favored nation as well as to the least favored nation.

Mr. WALSH. But would it not, as a matter of fact, exclude all from the Asiatic countries who can not become citizens of the United States?

Mr. POINDEXTER. No; it would not.

Mr. WALSH. Let me inquire, then, can citizens of China and Japan, by immigrating to this country and residing here for a period of five years, become citizens of the United States?

Mr. POINDEXTER. They can not.

Mr. WALSH. Then, they would perforce be excluded by this amendment, would they not?

Mr. POINDEXTER. They would, so far as all those who are not free whites are concerned. There are a number of people in Asia who are white people.

Mr. WALSH. Oh, but I am speaking of the great generality of people in China and Japan.

Mr. POINDEXTER. Well, it would exclude those; but it would also exclude similar peoples in every other country in the world, whether they are brown, yellow, or of whatever race or blood they may be, along the same lines that they are now excluded from becoming citizens of the United States. Can the Senator point out how such a provision relating to immigration conflicts with the favored-nation clause of the treaty any more than the same provision relating to naturalization does?

Mr. WALSH. Mr. President, in answer to the Senator from Washington, I desire to say that the Senator from Montana is not to be understood by the Senator from Washington as taking any position about the matter. I arose to ascertain the view of the Senator from Washington concerning the effect of his amendment. Of course, I appreciate that it would exclude all peoples who can not become citizens of the United States by the process of naturalization, and that no individual country is singled out by its provisions; but that was not the question that I asked the Senator. I asked him whether it would not exclude all citizens of China and Japan who could not become citizens of the United States.

Mr. POINDEXTER. That could be answered in the affirmative and it also could be answered in this way: It would not any more exclude the citizens of Japan and of China than it would exclude the same kind of people from any other country in the world.

The question which I asked the Senator from Montana was not intended so much to elicit an answer from him as it was to state an argument. I did not intend to call on the Senator to announce any opinion that he might have, but rather to make the argument, which seems to me to be a perfectly sound one, that we have just as much right to lay down conditions in the immigration laws as we have to lay down conditions in the naturalization laws, so far as foreign treaties are concerned.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. POINDEXTER. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, the language of the Senator's amendment, of course, is in very general terms. Under the pending bill there are certain specific classes of men and women who are not permitted to enter the United States. Those are defined in various ways, and it is not necessary for me to refer to that language; but what special classes has the Senator in mind when he offers this amendment, which are not already included in the category of those who are forbidden to enter under the terms of this bill?

Mr. POINDEXTER. I only have in mind—and I have in mind no others—those that are not eligible to become citizens of the United States under the naturalization laws.

Mr. POMERENE. Well, under the present bill there are certain classes of people who are permitted to come here, as, for instance, merchants, professional men, and others that I might name. Does the Senator expect his amendment will have the effect to exclude them?

Mr. POINDEXTER. It does not; it does not exclude them because of the proviso excepting them, which is contained in the bill which is now before us. It would make no change whatever in regard to them because they are covered by a special proviso.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. POINDEXTER]. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I do not see him in the Chamber, and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. McLEAN (when his name was called). I have a general pair with the senior Senator from Montana [Mr. MYERS]. In his absence I will withhold my vote. I will let this announcement stand for the day.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. In his absence I withhold my vote, not knowing how he would vote if present.

Mr. OVERMAN (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the Senator from Florida [Mr. FLETCHER] and vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). My colleague [Mr. THOMAS] is absent on official business.

The roll call was concluded.

Mr. REED. I wish to announce that my colleague [Mr. STONE] has been called from the city upon important matters.

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. PENROSE (after having voted in the negative). I notice that the senior Senator from Mississippi [Mr. WILLIAMS] has not voted. I therefore withdraw my vote, being paired with that Senator.

Mr. McCUMBER (after having voted in the negative). I have a pair with the senior Senator from Colorado [Mr. THOMAS]. I observe that he has not voted, and therefore I withdraw my vote.

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. RANDELL] and vote "nay."

Mr. GALLINGER (after having voted in the negative). I have a pair with the senior Senator from New York [Mr. O'GORMAN], who is not present. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and will allow my vote to stand.

The result was announced—yeas 24, nays 41, as follows:

YEAS—24.

Borah	Hollis	Phelan	Sutherland
Brady	James	Pittman	Townsend
Chilton	Jones	PoinDEXTER	Vardaman
Clapp	La Follette	Reed	Wadsworth
Curtis	Lane	Sherman	Watson
Hardwick	Lee, Md.	Smith, Mich.	Works

NAYS—41.

Bankhead	Gore	Martine, N. J.	Smith, S. C.
Beckham	Harding	Norris	Smoot
Brandegge	Hitchcock	Overman	Sterling
Bryan	Hughes	Page	Swanson
Colt	Husting	Pomerene	Tillman
Culberson	Kenyon	Saulsbury	Underwood
Cummins	Kern	Shafroth	Walsh
Dillingham	Kirby	Sheppard	Weeks
du Pont	Lippitt	Shields	
Fernald	Lodge	Simmons	
Gallinger	Martin, Va.	Smith, Ga.	

NOT VOTING—31.

Ashurst	Gronna	Nelson	Smith, Ariz.
Broussard	Johnson, Me.	Newlands	Smith, Md.
Catron	Johnson, S. Dak.	O'Gorman	Stone
Chamberlain	Lea, Tenn.	Oliver	Thomas
Clark	Lewis	Owen	Thompson
Fall	McCumber	Penrose	Warren
Fletcher	McLean	Ransdell	Williams
Goff	Myers	Robinson	

So Mr. POINDEXTER's amendment was rejected.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk, and ask the Secretary to read it. I do not think the chairman of the committee will object to this amendment. It merely relates to the administration of the law.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 55, section 24, line 16, it is proposed to insert the following:

The Assistant Commissioner General of Immigration, chiefs of division, and assistant chiefs of division, and all supervising officers of every description in the Bureau of Immigration shall be appointed by the Secretary of Labor from field officers of the Immigration Service for a period of four years' duty, at the expiration of which they shall return to the field service, unless reappointed for an additional period of four years' bureau duty, but no such officer shall serve more than eight years' bureau duty until he shall have actually served four years in the field following said period of bureau service. Upon the taking effect of this act all supervising officers of the Bureau of Immigration who have served more than eight years in such position, except the Commissioner General of Immigration, shall be assigned to field stations.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

Mr. POINDEXTER. Mr. President, this amendment applies to the Immigration Service a rule which for a long time has been in force in the War Department, which limits the time that an officer of the service shall remain in the bureau here in Washington City. It fixes a period of four years, with permission to reappoint him for another term of four years, and then requires that he shall go into the field, where he will have an opportunity to become acquainted with the practical things relating to the exclusion of immigrants from this country.

On the 29th of July last I submitted to the Senate considerable data in regard to the inefficiency of the Immigration Service along the northwest borders of the United States, particularly in relation to the illicit entry into this country of Chinese. Those who were familiar with the situation there attributed the failure to enforce the immigration laws against the unauthorized entry of Chinamen to the overburdening of the service with expensive officials in the bureau at Washington City and the inadequacy of the number of employees, or of the ability of the employees in the field whose duty it was to enforce the laws along the border. I can see no objection to a rule which would provide for a rotation in the positions of the service without in any way infringing upon the principles of the civil-service regulations.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. It is possible that the amendment is in proper form, but I will ask the Senator if it would not be better to provide that these men shall be detailed rather than appointed by a Cabinet officer?

Mr. POINDEXTER. I think that is a good suggestion of the Senator from New Hampshire, and I will ask permission to change the word "appointed" to the word "detailed."

Mr. GALLINGER. The Senator may have to change it again, possibly, in the amendment.

Mr. PENROSE. There are a number of places where the word appears.

The PRESIDING OFFICER. If there be no objection, the amendment will be modified accordingly.

Mr. POINDEXTER. The amendment is not offered without consultation with a number of people who are in a position to know from practical experience the need of a provision of this kind, and I offer it in the hope that the Senator from South Carolina will not oppose it.

Mr. SMITH of South Carolina. Mr. President, all that I have to say in reference to this amendment is that it is practically the same amendment that was brought before the House Committee on Immigration, and was carefully gone into over there. It affects the administrative features of the bill. After discussion in the House, it was overwhelmingly voted down. So far as our committee is concerned, the administrative features were very carefully guarded, and the machinery is working so splendidly now that we are loath to have any change in it at this stage.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington.

The amendment was rejected.

Mr. McCUMBER. Mr. President, preparatory to making a motion to strike out a portion of this bill, I desire to ask the Senator in charge of the bill a question relating to its merits.

Is it the purpose of this bill to defend the citizenship of this country against a class of citizenship which would deteriorate our own?

Mr. SMITH of South Carolina. Mr. President, I am rather surprised that the Senator should ask any Senator here such a question, because the purpose of this bill, of course, is to protect, as far as may be, the citizenship of this country. I can not conceive what we would have an immigration bill for if that were not its object.

Mr. McCUMBER. Is there any other purpose than that in the bill?

Mr. SMITH of South Carolina. Yes.

Mr. McCUMBER. What is the other purpose?

Mr. SMITH of South Carolina. It is to promote the welfare of the citizens of this country; to improve it, if possible.

Mr. McCUMBER. Is there any purpose in the bill to assist any people from a foreign country to enter this country who would otherwise, according to the provisions of the bill, be ineligible because of deficiency either in learning or in mentality?

Mr. SMITH of South Carolina. That is going into details to bear out the general statement. I have made my general statement. In working out the details we have tried to work them out in accordance with the general statement, so I guess the Senator already has from the bill the information that he seeks.

Mr. McCUMBER. Very well. Then let me ask the Senator this question: If an illiterate German Jew should be kept out of this country because of his influence upon our citizens, why should an illiterate Russian Jew be allowed to come in?

Mr. SMITH of South Carolina. Mr. President, as I have said heretofore, I presume that is one of those conditions that no legislative body can remedy. In taking care of a general rule there are some exceptions that suffer. We have tried to apply a general rule. There are exceptions around which we would be very glad to make little circles, but that we can not do. We are limited, and therefore we tried to apply the general rule of "the greatest good to the greatest number."

Mr. McCUMBER. I should like to know the reason of the exception that is found in the provision on page 9, from line 10 down to line 18, inclusive:

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

Mr. President, we have been receiving from Russia an immense number of immigrants of Jewish faith. They have come over to this country in hundreds of thousands in the last few years. We all understand that there is either a law or a regulation in Russia which requires those of that faith to live within restricted territory. Therefore they are discriminated against. There are a vast number of those who are illiterate; and yet you invite them over here, not because the illiterate Russian Jew will not be just as detrimental as the illiterate German Jew, but for some other ulterior purpose, and I should like to have the purpose definitely stated.

For instance, the illiterate Christian in Russia can not come over to the United States. Therefore you penalize him because he is a Christian and not a Jew. The illiterate German

Jew can not come over to the United States; but if he will remove to Russia and remain there a few months, then he can come over from the Empire of Russia.

This may appeal to a certain class of our citizenship; but I have listened to the argument of the Senator from Vermont [Mr. DILLINGHAM], which has been given here by the hour—and a very strong argument, indeed, it has been—to the effect that the purpose of the illiteracy clause was not so much to keep out the illiterate because they are illiterate as it was to keep out a greater number of citizens from sections of the country in which we thought their citizenship would be detrimental to the interests of our own. I was somewhat surprised and disappointed when the Senator from Vermont yesterday admitted that he wanted that class of people in here, and that he was not seeking so much to keep out any great number as he was to bring people in and make them remain here.

Therefore we put into this law yesterday, as an amendment, a provision whereby hundreds of thousands of people who have been coming to this country for the purpose of earning our higher wages for a few months and then returning, and not becoming citizens, will now come and remain here. In other words, there are about 300,000 men coming over every year from certain sections, and about 150,000 to 200,000 return later on in the year. Under the amendment which was put into the bill this morning, offered by the Senator from Missouri [Mr. REED], they are penalized for returning to their own country. They will naturally come to the country that will give them the greatest remuneration for a given amount of labor. They will come here, and while heretofore they did not care about becoming citizens, now they will come; and you compel them to become citizens and a part of our body politic and invite them to remain instead of attempting to get rid of that class, as was indicated by the address made by the Senator from Vermont many times upon this floor.

Now, we are making class legislation. We are saying to a certain class, "If you come from the Empire of Russia, you can be admitted whether you are illiterate or not." I have nothing but the most severe condemnation of the ancient practice of all of the Christian countries of persecuting the Jews; but while I think the pendulum should swing to the center, I am opposed to its swinging to the reverse side and now persecuting people because they are Christians, and saying, "If you come from a country where the laws discriminate against the Jew, he can come in; but you, a Christian gentleman, can not come to the United States because you are illiterate."

If this provision is put in the bill as a bait to our American Jewish population, I must confess that I have enough regard for that population to believe that they are not asking for it. I think most of them are probably opposed to this bill as it is, but I do not think any number of them are asking for class legislation which will give a special benefit to them because of their religion, and that is exactly what this does. If the Senate wants to put that provision in, and if we wish to say that we will penalize the Russian Christian because he is illiterate, but we will not penalize the Russian Jew, no matter how illiterate he may be, of course we can vote this provision into the bill. I think, in all fairness, the illiteracy test ought to apply to all people.

Mr. President, we have nothing whatever to do with the laws of foreign countries. If the purpose of this law is to defend the standard of American citizenship, then certainly it ought not to be varied to meet a particular law of some other country where we have no control over that law. There ought to be no exception whatever. There ought to be no penalizing of any nationality or any people on account of their religion, nor ought they to be given special rights because of their religion, because of the act of some foreign country.

Believing that the provision to which I have referred ought to be out, Mr. President, I move to strike out lines 10 to 18, inclusive, on page 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 9, it is proposed to strike out all of lines 10, 11, 12, 13, 14, 15, 16, 17, and 18, in the following words:

That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota.

Mr. LA FOLLETTE. Mr. President, perhaps Senators would expect some member of the committee to make this statement;

but I believe there is a reason for the discrimination against which the Senator from North Dakota has animadverted. I will know in a moment. I have sent for some data upon the subject; but I believe that in Russia there is by law a discrimination against the Jews respecting educational privileges that prevails in no other country, and it would be quite appropriate if they were admitted to this country under more favorable conditions than others who are ignorant, not because of compulsion but from choice.

I simply make that statement.

Mr. McCUMBER. Does the Senator claim that there is any law which prevents or prohibits Jews in Russia from learning to read and write? Certainly, a great many of them, and, in fact, most of them do read and write; so I know of no law that will prohibit them from obtaining that education.

Mr. LA FOLLETTE. I do not know definitely just what the discrimination is nor to what extent it goes, but I am very certain that there is a discrimination which renders it very difficult for them to get even a rudimentary education.

Mr. DILLINGHAM. Mr. President, in view of what has been said by the Senator from North Dakota it may be well to give a history of this provision of the bill.

Under the existing law we recognize the right of asylum in America of all persons, from whatever country they may have come, who have suffered from religious or political persecution. In the existing law the clause reads "solely for the purpose of escaping from religious persecution." That evidently was not satisfactory to the other branch of the United States Congress, and so when this bill came to us it came with this alteration, leaving out the clause "solely for the purpose of escaping from religious persecution" and containing the clause which has been read by the Senator from North Dakota. I suppose it is a matter familiar to all persons in this body, and that they are aware of the circumstances under which that clause was adopted in the other branch of the Legislature.

Mr. McCUMBER. Will the Senator give us the circumstances under which it was adopted?

Mr. DILLINGHAM. It perhaps would not be proper for me to do so at this time, but I think it was for political purposes. I will leave it there.

Mr. McCUMBER. I think we should understand the reason clearly.

Mr. DILLINGHAM. It was put in the bill in another branch of the Legislature and has come here in this form and was passed by the committee of this body without any recommendations.

With this explanation, Mr. President, I desire to correct an impression conveyed by my friend the Senator from North Dakota as to my attitude in respect to this particular class of immigration which comes from Russia, Austria-Hungary, the Balkan States, and Italy, and which the Immigration Commission termed the new immigration, as contrasted with the immigration which came in such large bodies prior to 1880 and to 1882. The position taken by the commission was that the latter immigration had come in such numbers that the common labor market of the United States was overcrowded. They found that adopting the literacy test or reading test as a restrictive measure would naturally decrease this particular flow of immigration perhaps 30 or 35 per cent, and in that way they would relieve the overproduction of common labor at the seats of the great basic industries in the United States, where that labor was not only competing against American labor but where it existed in such abundance that it was competing against itself and reducing wages to a point where the laborers were compelled to live under conditions which were certainly un-American. If we could reduce that, the conditions would be satisfactory.

America needs labor. There is no question but that the industries of America have grown to a point where they need foreign labor; and if we had a proper amount of it, so that wages could be fairly maintained—I am speaking now of the conditions before the European war, of course, as we found them in 1909—there would have been no effort to restrict immigration. I was not in favor of it when I came to the Senate. I only became in favor of it when I discovered these conditions. As has already been demonstrated, a considerable portion of this immigration consists either of unmarried men or of men who have left their wives at home, indicating that they are here only for a temporary purpose. It was to stop that class from coming, as far as possible, that the amendment was proposed by the Senator from Missouri [Mr. REED] yesterday. I could not favor the amendment as it was then offered, because of its form; but I thought the object of it was good.

I simply wished to make this explanation so that my position on this subject might be understood.

Mr. McCUMBER. Mr. President, there seems to be something of a difference between members of the committee as to the real purpose of this legislation. The Senator from South Carolina [Mr. SMITH] claims that his purpose is to uphold the standard of citizenship of the United States. The position taken by the Senator from Vermont [Mr. DILLINGHAM] is that it is to regulate the quantity of labor that shall come to this country from the old countries. The position of the Senator from South Carolina, if I understand him correctly, is that as a rule the illiteracy test will keep out of this country at least a certain degree of undesirable citizens, and therefore will prevent the deterioration of the American standard of citizenship.

I hope that is the purpose of the bill—one of the purposes, at least—but if that be the purpose, I think I am justified again in asking the question of the Senator or of the Senate: How will it threaten or menace our standard of citizenship any more to allow an unlettered German to enter this country than to allow an unlettered Russian to enter this country?

The Senator from Vermont says that we have recognized in this bill the principle of making this country an asylum for the oppressed. Suppose the Japanese or the Chinese should be oppressed—and there is no question as to the latter in their own country—I am doubtful if the Senator would carry his asylum ideas to the extent of allowing them to enter this country.

So we get right down to the proposition that the real purpose of this bill is to defend the American standard of citizenship; and when you say that a German Jew or a German Christian, an Austrian Jew or an Austrian Christian, if unlettered, can not enter into the United States, but a Russian Jew can, you are making a discrimination in the one instance against the Russian citizen because he is a Christian and in the other instance as against the German or the British or the French citizen simply because he is not a Russian citizen. Now, I do not think any provision of that kind ought to be in this bill, and I do not think there is any excuse for a provision of that kind. There might be very much in what has been suggested by the Senator from Wisconsin, that if the Russian Government so oppresses its people that it will not allow people of a certain religious faith to learn to read and write, we might then possibly make an exception in their favor, because otherwise we might be discriminating against them.

Mr. LA FOLLETTE. Mr. President, if the Senator will yield for just a moment, since I called the Senator's attention to the matter I have confirmed the view which I expressed, that there are such discriminations, and that there are legal provisions that deny to Jews in Russia in certain territory the privileges of any school opportunities whatever.

Mr. McCUMBER. Even by their own people?

Mr. LA FOLLETTE. I am not certain as to whether they are permitted to maintain schools themselves or not; but I am positive that in certain territory only a small percentage—5 per cent—of the people of school age are permitted to attend upon the schools. I find it impossible right now to quote the statutes, but can do so within a few days. However, I am certain that the discrimination which is practiced in Russia against the Jews, which is not found elsewhere, and is because of their religious faith, furnishes a reason for this language which the Senator proposes to strike out.

Mr. McCUMBER. Mr. President, I doubt very much whether there is anything in the Russian law or practice that will prevent those of a certain religion from teaching their own children to read and write. If there is discrimination against them as to where they may reside, undoubtedly the prejudice might be so great that there would be a discrimination against them in other respects; but the mere statement that only a certain per cent can attend school in certain localities would not be sufficient at least to satisfy my mind that there was a provision which prevented them from obtaining the simple primary education of learning to read and write their own language. We know, as a matter of fact, that we provide in this bill the Yiddish as a language, and require that those who speak that language only must also be able to read and write it, which of itself, it seems to me, admits that there is education along that line.

But I can not believe that the conditions are such that we ought to discriminate against any religion or against the people of any other country in coming to the United States, and if we are to apply a test in one case we ought to apply the test in all other cases.

Mr. SMITH of South Carolina. If the Senator will allow me, the law is to be general. If the Armenian Christians were to come to this country persecuted this clause would apply, as the Senator from Wisconsin points out. There may be a religious persecution in any of those nations now at war, and when the war shall cease they will be admitted.

I want to call the Senator's attention to his reference to the position that I took in regard to the Jews. This much can be said, that wherever a people are so tenacious of a moral standard canonized in the form of a religion, that they will suffer persecution for the principle's sake it is good evidence that they would make pretty good citizens when they have the principles involved in the principles of our Government. I think the Jews of this country have exemplified the fact that that principle can be applied to our citizenship.

There is another point I want to make in reference to these people. We are not discriminating in favor of or against them, but we are legislating for all those persecuted for religion's sake. The clause is broad enough for that. As I had occasion two years ago when the bill was under discussion to read into the Record, even in Russia where it is alleged, and I presume it is true, that the Jewish people are forbidden the privileges of the common school, they are higher in their per cent of education than the average of the Russian people themselves. I took occasion then to have the department work out that percentage, and in every nation on earth where the Jews are found their per cent of education is higher than that of the country in which they reside, showing that they now have this characteristic of adhering to a religious faith, believing in the God that they worship, but also believing in education. I have not those tables before me now, but they could be easily reproduced.

Now, one other word as to the point the Senator from Vermont makes, that one of the characteristics of the Jews is that they are not birds of passage. They are a family people. Their history for all time substantiates that. When a Jew comes he comes for the purpose of becoming a citizen. He makes a good citizen. He does not go back to Russia, as is suggested to me by the Senator from Oklahoma [Mr. GORE]. From every standpoint this is not a discrimination for or against anyone, but it seems to me to be a splendid provision of the bill to open the door for this purpose.

Mr. McCUMBER. It seems to me, Mr. President, that the last statement made by the Senator rather annihilates the proposition that the Jew does not have the opportunity of other people in Russia to obtain an education. The statement of the Senator is that the standard of education is considerably higher than that of the average Russian citizen.

Mr. SMITH of South Carolina. Mr. President—

Mr. McCUMBER. Do I not quote the Senator correctly?

Mr. SMITH of South Carolina. Let me frame the phraseology so that I can bring out the idea. The Jew has every difficulty thrown in his way, but despite the persecution he surmounts the difficulty. The Senator knows as well as I do, if he is at all acquainted with the conditions set forth in the stories from that country, authentic and otherwise, that the Jew surmounts those difficulties. He is persecuted, and the Senator knows it. He is denied the privileges of a Russian citizen, and the Senator knows it. He is held down, but despite that he shows his superiority by rising above it. For that reason, as suggested a moment ago, this should be called an enabling clause rather than a discriminating one.

Mr. McCUMBER. Then, Mr. President, we abandon the high principle which was enunciated by the Senator some time ago, that the purpose of the illiteracy clause was to uphold the standard of American citizenship. I rather like that sentiment. I was in hopes that the Senator would stand entirely upon that sentiment.

I do not want the Senator to think for a single moment that I would make it more difficult for the Jew to come into this country than for a Christian, but I would make it just as easy for a Christian with the same standard of intelligence and learning as a Jew to come into this country. That is all I contend for in asking that this portion of the exception be stricken from the bill.

The Senator from Vermont intimated that that provision was put in by the House for political purposes, and that may be true. Then, if it was put in for political purposes, we ought to put it out for the purpose of the protection of our American citizenship or else we ought to dispose entirely of this illiteracy test.

I am perfectly free to say that I do not think any material good will come from this illiteracy test. I am certain that there are greater dangers to this country through educated people from Europe than there are through the uneducated people coming here. I believe that all of our dissensions and all of our troubles that have come to us through foreign citizenship have not come through the illiterate classes, but, rather, through those who could readily gain admission under the provisions of this bill.

I am not, therefore, in favor of the illiteracy test as a mere standard of mentality of the proposed citizen, but I do think it not only an insult but an injustice to the citizenship of other

countries, to the Christian people of other countries as well as the Christian people of Russia, to say if you belong to a church in that country and that church is persecuted, you may have free access to the United States, while those other people who have nothing to do with the persecution shall be kept out. That is really what it means.

Mr. CLAPP. Mr. President, it seems to me the Senator from North Dakota [Mr. McCUMBER] is hardly fair in his comparison and in his analysis. This does not penalize a Christian in any land where the Christian does not have the fullest opportunity to avail himself of the public schools. Some years ago we went into this subject very thoroughly and we found a condition in Russia—not so much in the public laws of Russia as in the rules and regulations that are imposed—which is unquestionably designed to restrict the opportunities of Jews in many sections of that country as to the opportunity of education.

Mr. McCUMBER. May I ask the Senator a question right there?

Mr. CLAPP. Yes, sir.

Mr. McCUMBER. Are there not Provinces in Russia in which there are no public schools whatever, either for Christians or Jews?

Mr. CLAPP. If there are, then clearly the Jew in Russia is not responsible. He is not the governing class of Russia.

Mr. McCUMBER. Is the Christian?

Mr. CLAPP. The Christian is the governing class of Russia, and if the governing class of Russia itself does not want educational opportunities, that is its fault and not ours.

Mr. GORE. Mr. President—

Mr. McCUMBER. Does the Senator claim that the Christian subject in Russia has very much to do with the Government?

Mr. CLAPP. I claim that the Christian subjects to-day, through the modernizing of the Russian Government, are overwhelmingly in favor of schools and would undoubtedly have schools under that Government.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. CLAPP. With pleasure.

Mr. GORE. I would like to state in this connection that 4 per cent of the people of Russia are Jews, but only about 1½ per cent of the school children in Russia are Jews. I think those statistics indicate the discrimination against the Jews in their way of acquiring education.

Mr. CLAPP. There is not any question but that the investigation we made shows that especially the rules prescribed with reference to the number of pupils who may be assembled in one room not only discriminated but they were designed to discriminate against the Jews.

The fact that the Jews surmount those obstacles has no bearing upon this question, because if the Jew surmounts the obstacle, then he is protected one way or the other. But those people in the main are people of small means, and it does seem to me that when a citizen is barred from the full and free privilege of the public schools there is such a discrimination against him that if he is enabled then, through his own efforts and those of his own race and religion, to get an education at his expense or their expense it is a discrimination which we ought to recognize, and we should exempt him from the operation of this bill.

I repeat, there is no question but that the investigation shows in the figures themselves, in the rules limiting the number of pupils to a single schoolroom and the rules limiting the number of schoolrooms, that it was only as a bar to the more complete and fair opportunity of Jews, and was designed as a discrimination and to prevent him from having the opportunity of a public-school education.

Mr. GORE. I will say to the Senator that only 10 per cent of the children are, I understand, pupils in any school.

Mr. McCUMBER. Mr. President, there are millions of Russian Christian children who can not get an education, just the same as there are a proportion of Jewish people in Russia who can not obtain an education, because of the lack of public schools in certain sections of that country. The people are very poor, and their parents not being educated they can not give those children the benefit of an education. Now, you keep those children out because they are Christians.

Mr. CLAPP. No.

Mr. McCUMBER. The effect of this law keeps them out if they are illiterate and because they are Christians, while it allows the others to come in who are illiterate because they are Jews. If we are defining the standard of our citizenship, we ought to place it upon some broader ground than the persecution or the prejudices of some foreign people.

Mr. CLAPP. Mr. President, we do not penalize the Christian. If there is a man on this earth who by reason of governmental

policy is barred from the right of education because he is a Christian, no matter where he comes from, he is entitled to enter under this exemption, as was well said by the Senator from South Carolina.

Mr. McCUMBER. What is the difference in the cause provided the child is not responsible for the cause? What difference does it make to us, who are looking out for our own citizenship, whether the Russian child be Christian or Jew, as long as neither of them has the opportunity to obtain an education? Neither of them is responsible for the governing power. I do not say that you penalize the one; I say you discredit the one through the operations of the law because he happens to be a Christian. You make one rule that will apply to him because we will say that he is discriminated against, and I am not speaking alone of education, because the Jew in Russia is compelled to live in certain Provinces and in certain quarters irrespective of education, and that is a discrimination. That discrimination, irrespective of the educational qualifications, qualifies him for admission to the United States, but the Christian Russian, against whom no such discrimination is placed, is excluded by the provisions of the bill.

Mr. CLAPP. Mr. President, first those are excluded who can not pass this test. Then, recognizing the asylum principle, under which we owe something to the oppressed, we do not discriminate against the Christian or against any other sect, but we do say that where illiteracy comes as a result of the laws of a country, owing to the fact that the child is not responsible for his religion in either case at his birth, if he belongs to a religion which is discriminated against he shall be exempted from this test. The Senator's argument puts the exemption first. The exclusion comes first. Then we recognize where they come to this country because of religious persecution, whether Christian, Jew, or of any other faith, that they may be exempt.

Mr. SMITH of Michigan. Mr. President, I was very much interested in what the Senator from North Dakota [Mr. McCUMBER] has said, and I simply rise to make this observation. It may not do any good; probably it will not. For years here I have voted in favor of restricting immigration. I never voted for a bill restricting immigration because of the literacy test in my life that I did not feel that I was doing wrong.

I do not feel that that is the appropriate test at all for citizenship. Honest persons may have had no opportunity in youth for education, and the literacy test is, in my opinion, unfair. Why should not character be the test of immigration? If the immigrant has made a good citizen in the country from which he comes, why not welcome him here? I have always felt that some method of that kind could be worked out, although I have never undertaken it in detail and have never been a member of the committee charged with this responsibility. Yet I assert without any hesitation whatever that the poorest test that can be applied is the literacy test. Why not have our proposed immigration surrounded by such safeguards as the Consular Service could extend? When a person proposes to come to the United States to live, why should he not go to the nearest American consul and apprise him of his intention, furnish him proof that he has made a good citizen in the town where he has lived or in the country where he has resided? Why is not that the appropriate test for citizenship here?

We refine our laws to suit territorial, and I was almost going to say climatic, conditions, and we draw a line arbitrarily through a great Empire and say that a child who was unfortunately born on one side of the line shall not be permitted to enter this Republic, where opportunities are so fair and so many, but the child born on the other side of the line may come. A quarter of the Empire of Russia is under ban and its citizens forbidden to come; vast stretches of territory where Poles live rest under the same territorial inhibition. We owe a debt of gratitude to the Poland. Yet there are areas restricted in this bill, and defined so closely that millions of Poles are prohibited from ever aspiring to American citizenship. Aliens have helped to win our battles. Foreigners unfamiliar with our language have made it possible for this Republic to survive its severest trials.

In the Hall of the House of Representatives the only portrait upon the wall is the portrait of the immortal Lafayette, who came here from France to uphold the banner of our liberty. In Statuary Hall are the statues of Kosciuszko and Pulaski, Poles, who fought on a hundred battle fields that we might enjoy our liberty. One of the great parks of this Capital fronting the White House has upon its four corners the statues of foreigners who have rendered our country distinguished service in time of greatest need, and we sit here and speculate and contrive and plan to keep people out of our country who would be an honor to it.

I do not like it and never have liked it. I have voted for it in the past reluctantly.

Mr. NORRIS. Will the Senator permit me to make a suggestion if I may? I may be wrong, but I think the bill has been amended so that it does not exclude large portions of Russia.

Mr. SMITH of Michigan. It did exclude them yesterday, and it may exclude them to-morrow.

Mr. NORRIS. My understanding is—

Mr. SMITH of Michigan. It may go to the House of Representatives, if the Senator will pardon me.

Mr. NORRIS. It is my understanding that such an amendment has been adopted. I agree with the Senator entirely that it would not be fair if that still is the case, if that amendment has been agreed to. Certainly the Senator was not here yesterday. Probably it was adopted when the Senator was not in the Chamber.

Mr. SMITH of Michigan. I have been here steadily ever since this bill has been under discussion, and I am addressing myself to the spirit which has seemed to prevail generally upon both sides of the Chamber, asking that an amendment be put on and sent to conference, and by and by the bill will come back here in some form, no one knows exactly the form, and we will be expected to ratify what the conferees do, because that is all that can be accomplished.

But I simply rose to emphasize what has been in my heart here for a long time, that every bill we have passed has been passed upon the false theory that because a child was fortunate enough to be educated in his youth he would therefore make a better citizen than the unfortunate one whose responsibilities perhaps kept him from the privileges of education, and I rose to emphasize our debt of gratitude to aliens. It is not for us to close our doors against good people, no matter where they come from. If they are bad people they ought not to be admitted even if they can pass the literacy test, and if they are good people they ought to be admitted even though they can not pass the literacy test. I think the test proposed is not the best test, that character is the best test, and that we have the machinery of government present in every part of the world, where we may inquire first-hand into the life and the character and the antecedents, if you please, of those who apply for admission into the United States.

I have been very much interested in what the Senator from North Dakota said, and he always says what is sensible, and he says it fearlessly and fairly. I do not think that this bill meets the situation we are aiming at. I believe that we have let in a great many people who should have been kept out. I believe our laws of naturalization have been too weak. It is not fair to take classes of people who have not made good citizens at all before they have been here five years and give them a place alongside the Senator from Minnesota [Mr. NELSON], who fought as a soldier for four years that our Republic might last, while his son and my son, educated in American public schools, reared amidst our institutions, rocked by patriotic mothers, are obliged to wait 21 years before they have the right to exercise the sovereign right of citizenship. Yet within five years we take in strangers who do not furnish credentials of good citizenship abroad, who are mere birds of passage, who linger here because they find this soil and this Government congenial to their exploitation, and we hastily permit them to exercise all the rights of citizenship in this Republic.

I believe that these privileges are conferred often inappropriately. But I repeat what I said when I rose that the debt of this Republic to aliens who were never citizens of our country can never be repaid. Our armies were made up of men who did not speak our language. My honored friend from Minnesota told me a few moments ago that in the Mexican War thousands of Germans and Irishmen enlisted for service when Americans held back. But we dot our capital city here and there with statues of illustrious citizens, foreigners who came to render great service here, and then we meet in consultation and undertake to restrict, and, indeed, to forbid the children of those patriotic soldiers from coming here at all. I am entirely out of sympathy with it. I would keep every criminal out of this country; I would not allow the anarchist to come here under any condition. He ought to be deported. Thousands of them are here because of the laxity of our laws. Thousands of them come in under one test or another. They are intelligent, although misguided. But let us be sure that we do not erect barriers so high that the deserving and the honest and the patriotic and the country loving may be unfairly discriminated against. Our country should be an asylum for every good man and good woman who wants to come.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. The Senator from South Dakota.

Mr. STERLING. I offer the amendment which I send to the desk.

Mr. LANE. I should like to ask the Senator from Michigan a question.

Mr. STERLING. I withhold the amendment for that purpose.

Mr. LANE. Mr. President, some of the best people in the world—real home-loving and honest people—live in Asia. There are about 600,000,000 of them in all. I should like to ask the Senator from Michigan if he would encourage their immigration here and open the Pacific coast to them? There are the Chinese and the Hindus, both of whom are a good people. There are no better; the Chinese are absolutely honest; as a class they are equally as honest as the average citizen of the United States. They are a good people and a kind people, but there are large numbers of them. They work for from 3 cents to 10 cents a day at home, which would be rather a hardship upon our people should we adopt them as citizens.

Mr. SMITH of Michigan. Oh, well, Mr. President, that is not my proposition. In our relations with Asia we must not overlook the fact that the Asiatics are entitled to be treated fairly.

There is much in Asia that is desirable; there is much in Asia from which we could draw a very valuable lesson. I have heard the special agreement between our own Government and that of Japan referred to. I know about that agreement. As a member of the Committee on Foreign Relations, I was asked concerning it; and I said, when I was asked, that we should be very careful not to give one Asiatic people favors that we would not give to another; that, if we were ready to favor Japan, we ought also to be ready to favor China, which has just as high ideals of honor as has Japan.

No, Mr. President, I would not favor Asia especially, but I would not pass my favors out to portions of Asia and discriminate against other portions of Asia. I would have the courage to say that we do not believe that they would appropriately amalgamate with our people; that assimilation is impossible. I would have the courage to say that our racial differences were such as to be irreconcilable; but I would not pass favors to one country in Asia when I was withholding favors from another.

No one can tell how rapidly the Chinese Republic is to progress. Japan has progressed rapidly during the last quarter of a century, and China has gone from an Empire to a Republic. Perhaps the Chinese have not fully comprehended the purposes of republican institutions, but they are progressing.

Russia is making greater progress at the present moment than almost any other country in the world. Since the Russo-Japanese War the economic policy of Russia has been practically changed. Instead of forbidding her people to make her laws, as soon as Mukden fell the Russian was given the right to choose his legislators. There was no land which was owned by the peasantry of Russia up to the time of the Russo-Japanese War, and there are millions and millions of acres of land to-day owned by the peasantry of Russia. The Russian peasant who goes out on his farm to work now knows for whom he is working; but the Russian peasant of 10 years ago went first to one plat of ground and then to another as he was ordered. To-day they own their own soil from the place where their feet rest to the center of the earth, and they cultivate it for the benefit of their children and of their children's children.

We should not take to ourselves credit for all the progress made in the world. The whole of the world is progressing. We lighted the lamp, and they sit in the glory of our achievements. We were the first Republic. Now there are 20 Republics, which girdle the earth. We have no monopoly of virtue or of character or of intelligence; and I would have the test of citizenship here, especially among the races of people who naturally amalgamate with us, one of character, and not the mere question as to whether or not a man can parse a sentence correctly.

Mr. STERLING. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Is the amendment which the Senator from South Dakota proposes to offer an amendment to the text of the bill?

Mr. STERLING. It is.

The VICE PRESIDENT. Very well. The amendment will be stated.

The SECRETARY. On page 9, line 15, after the word "residence," it is proposed to insert "and which persecution involves a restriction or denial to any class or sect of such aliens of the means or opportunities of obtaining an education sufficient to

comply with the literacy test hereinbefore provided," so that it will read:

All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence and which persecution involves a restriction or denial to any class or sect of such aliens of the means or opportunities of obtaining an education sufficient to comply with the literacy test hereinbefore provided.

Mr. STERLING. Mr. President, I do not desire to take up time in the discussion of this amendment. I fully appreciate the point made by the Senator from North Dakota [Mr. McCUMBER]. Under the terms of the bill as it reads it will bar the illiterate Christian, but it will admit the illiterate Jew, if he can claim, of course, that he is a victim of religious persecution. This amendment recognizes the literacy test by providing that if the religious persecution involves a denial or a restriction of the means and opportunities of education, so that the immigrant is not enabled because of the laws or regulations of the foreign country against his sect or class to acquire the education sufficient to enable him to comply with the literacy test provided in the bill, he will nevertheless be admitted.

I think I can corroborate what was said by the Senator from Wisconsin [Mr. LA FOLLETTE] a while ago, that in certain Provinces or districts of Russia there are those restrictions and those denials to the Jewish population of the means and opportunities of obtaining an education. I offer the amendment.

Mr. McCUMBER. I should like to ask to have the amendment again read to see whether or not it contains the provisions that are denied as to certain peoples and not denied to others. We ought to treat them all alike. The right of education may be denied also to another class, and they ought to be treated alike.

Mr. STERLING. It seems to me that the amendment will treat them all alike. That is the object of the amendment.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 9, line 15, after the word "residence," it is proposed to insert the words "and which persecution involves a restriction or denial to any class or sect of such aliens of the means or opportunities of obtaining an education sufficient to comply with the literacy test hereinbefore provided."

Mr. McCUMBER. Mr. President, my motion being one to strike out, I can hardly see how this amendment can be moved to that amendment, but it seems to be in the nature of an original amendment and would be satisfactory to me. If the matter can be facilitated by withdrawing my amendment at the present time and allowing the Senator from South Dakota to offer an amendment to the original text, I shall be glad to do that.

The VICE PRESIDENT. The Chair understood the parliamentary situation to be that the Senator from North Dakota [Mr. McCUMBER] had moved to strike out. Now, pending the motion to strike out, the Senator from South Dakota [Mr. STERLING] moves to amend the text sought to be stricken out. The Chair thinks the Senator from South Dakota has a right to do that.

Mr. McCUMBER. I agree to that, and would be glad to see the language so amended; and I would say that if it is so amended I would not press my motion to strike out the whole provision.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING]. [Putting the question.] The ayes seem to have it.

Mr. SMITH of South Carolina. I ask for a division.

The VICE PRESIDENT. All those in favor of the amendment of the Senator from South Dakota will rise. [A pause.] Those opposed will rise. [A pause.] The amendment is agreed to.

Mr. PHELAN. Mr. President, I desire to submit an amendment to the pending bill. Yesterday afternoon I referred to a proposed amendment on the subject of the prohibition of "picture brides," a new situation which has grown up in the West. I now submit the amendment as drafted.

The VICE PRESIDENT. The amendment proposed by the Senator from California will be stated.

The SECRETARY. On page 50, after line 7, it is proposed to insert a new paragraph, as follows:

No woman not legitimately married according to our laws and not otherwise excluded by this act shall be permitted to enter the territory of the United States or any possessions thereof when the men of the same race and class are excluded either by law, treaty, or agreement. No proxy, picture, or other marriages not regularly solemnized between the two contracting parties in person before the date of the departure of either or both of the parties from their own country shall be held to be legitimate for the purposes of this act by the departments and courts of the United States.

Mr. PHELAN. Mr. President, I have in my hand an article by Dr. W. C. Billings, surgeon, United States Health Service, chief medical officer of the Immigration Service at Angel

Island, San Francisco. In this article Dr. Billings goes on to say:

The immigration received at our Atlantic ports, while certainly racially heterogeneous enough to satisfy the most extreme longing for variety, still admits, and as time goes on will admit, more and more, of an opportunity to study from an eugenic standpoint the ultimate product of the "melting pot."

The "melting pot," as we all know, is that crucible into which the people of the earth are put to the test of amalgamation. Sometimes they amalgamate and sometimes they do not. It is established that the brown and black races do not amalgamate with the white, but remain identically the same as when they are put into this melting pot or smelting pot. They do not amalgamate; they do not "smelt"; and therefore they are undesirable elements in the composition of our population. Of course, ultimately we all look to a homogeneous American population. Disraeli, I remember, once remarked that he regretted that the Republic of the Puritans had not blended with the tribes of the wilderness, for then we would have had a real American nationality. That was a poet's fancy, but what nationality we have is certainly a composite nationality; and here we find a process going on on the Pacific coast which defeats the purpose of our American Commonwealth.

The Rev. B. C. Howorth, who lived 19 years in Japan as a missionary, and for the past eight years in the Immigration Service of the United States, says that there is no fear whatever of any attempt being made to amalgamate the Japanese and the Americans, as we understand them, because it seems to be repugnant to both parties. Not more than 20 cases have come to his knowledge. And Dr. Billings adds:

Occidental races will intermarry to almost any extent, but under such conditions as have so far existed in the United States the occidental exhibits no tendency to intermarry with the oriental, and that lack of inclination seems to be entirely mutual.

The large number of orientals coming into the western coast finding that intermarriage is impossible for centuries-old racial reasons—the product of such union, whenever it takes place, being degenerate, the faults of both parents being accentuated in the child and the virtues diminished—decided to import their own brides; and that practice has been going on, I claim, in violation of law. Now, it has come to be our duty to see that this loophole of the law is closed, if the law is ineffective, and the practice stopped.

I have in my hand a table by Dr. Billings showing that in the 10 years 1905–1914 the whole number of females and "photo" or "picture" brides, as they are called, coming into the port of San Francisco, one port of this country, aggregates 6,003. From 1905 the increase has been constant, until in the year 1914, according to Dr. Billings's table, a total of 1,595 such persons arrived in the port of San Francisco. On account of his great familiarity with the subject, I will continue to quote briefly from the doctor. Referring to his table, he says:

The column headed "Photograph brides" represents one of the most interesting classes of Japanese immigration, although the term is, strictly speaking, a misnomer, inasmuch as a photograph, although very naturally often exchanged, is in no way a necessary or indispensable part of the arrangement. The term "proxy brides," which is frequently applied to the same class, is, in so far as it implies the presence of a third party, also a misnomer, as, properly speaking, there are no proxy marriages in Japan.

The agreement referred to between the American and Japanese Governments to stop the emigration of laborers was made in 1908, and at that time a very considerable number of Japanese laborers were domiciled in this country, particularly upon the Pacific coast. Section 37 of the law, already quoted, allows domiciled aliens to bring their wives to join them, and these men very naturally take advantage of the privilege.

I question the interpretation the doctor gives to section 37, which I will presently read. He goes on:

Marriage in Japan is arranged by the parents of the contracting parties, and consists of removing from the register of her own family the name of the bride and adding it, in the official register of the administrative district in which he lives, to the names of the family of the groom. There is no civil or religious ceremony, unless the contracting parties happen to be Christians. The ceremony of removing the name is followed by a social gathering of friends, and assumes a congratulatory character.

So that it is a mere announcement of a wedding when a wedding occurs. But here we have a Japanese living in San Francisco marrying a woman 6,000 miles away by an agreement based upon a photograph, which serves for her identification, and then she comes to San Francisco, where, I believe, another ceremony is performed. The commissioner of immigration at the port of San Francisco is Edward White, a brother of the late United States Senator Stephen M. White, and he again in a letter addressed to me in answer to one of mine reiterates erroneously, I believe, that under section 37 of the immigration act these marriages seem to be authorized and this immigration permitted. He says that—

On the production of the marriage licenses and certificates of marriage, these women are granted their discharge.

That is, from the immigrant ship after the ship has arrived at the immigration station.

After they have left our control it is not possible to keep very close track of them, as they are scattered over a very large area, and our force is not sufficient to keep in touch with them, investigating social conditions—

And so forth.

Therefore, he says, he is not responsible for the conduct of these persons. He adds:

From personal observation and from reports received at this station we are satisfied that with very few exceptions these women do not come here for immoral purposes. As a rule they become mothers of large families—

That is the very point that I wish to accentuate—

and at the same time do a man's work on the farms wherever located. There are at present over 15,000 native Japanese children in California, and the number is increasing to the most alarming extent. At the present rate of increase it will be but a short time when the native Japanese population of this coast will be numbered by the thousands. In many of the farming districts in California the Japanese farmer has practically obtained control; in fact, the fruit, potato, and beet industries are dominated by Japanese. As an instance in this connection I will cite that of George Shima, called the "Potato King," who came to this country a few years ago without means and who now has title to 5,000 acres of the best land in San Joaquin County, and leases 15,000 acres more, all of which he farms to potatoes, barley, and beans, and controls as a result the potato market of California.

That is one example to show the very great cleverness of these nonassimilable people. They are so industrious, so thrifty, so, if you please, superior in industry and thrift to our own people that they beat them at their own game.

Now, I wish to point out that while I do not in any way detract from the thrift and industry of these men, still I submit where they are not assimilable it becomes a question of abandoning our western coast to them unless they are excluded, unless their means of propagating their species is denied. That is the question; the question of abandoning the western territory to them if their immigration and increase are not restricted, and that is why we are all in favor of the restriction of the immigration in order that the American people there may, pursuing their higher standards, live in comfort. They do not work 16 to 20 hours a day, as do their Japanese competitors. That is a test of industry and also of endurance. Our people work from 8 to 10 hours a day, and have time for rest and recreation and play; time, if you please, to participate in political activities and civic life, for supporting churches and schools and theaters, enjoying all the gratifications of an enlightened people under the ægis of this Government. If that is denied them, they will be driven by sheer necessity to get down to the level of the others, who come without any of those burdens to bear of civilization, of church, of school, who do not take holidays, but work unremittingly all the time. So we must not therefore say that because our own people are less industrious, refusing to work for a longer period, that they are not the instruments of Providence for the uplifting of civilization and humanity. They may be unconscious of it, but their demands for better conditions mean the advancement of the world.

Mr. HITCHCOCK. Mr. President, will the Senator make plain—I did not understand the figures which he gave—how many so-called "picture brides" come into California or come in at the port of San Francisco every year?

Mr. PHELAN. According to this table, the last which Dr. Billings quotes, in 1914 the number of males who entered the port of San Francisco was 2,018, the number of females 1,856, the number of photo brides—he seems to segregate them—1,595.

Mr. HITCHCOCK. It is not a large number. The evil is not a very great one, according to those figures.

Mr. PHELAN. No; but when each photograph bride can, on account of the great productivity of the race, bear 5 or 10 children, they multiply themselves at an alarming rate; and it is a fact that the productivity of the Japanese is exceptional. Hence in five years a picture bride will have multiplied herself five times; or, if they come in at the rate of 1,500 a year, it means possibly the addition of 1,500 more every year; and that goes on by geometrical progression.

Mr. HITCHCOCK. Do the figures that the Senator has available indicate how many Japanese leave this country every year?

Mr. PHELAN. I have not those figures here now; but they are insignificant, since they value their residence in the United States so highly that they hesitate to depart until they have made a stake. I am told that in the Hawaiian Islands when they make a thousand dollars they go back home and live in luxury, where men of that class only receive a few cents a day in wages—not more than 10 or 15 cents.

I should like to continue the letter of Commissioner White. It is practically closed. He says:

The social and economic conditions under which the Japanese live are such that our American farmer can not compete with him, and if something is not done in the immediate future to stop this class of immigration the time is not far distant when the entire farming indus-

try of this coast will pass into the hands of the Japanese. Already the Japanese are reaching out for the commerce of the Pacific Ocean, and with the land of California and our commerce in their hands we will be more an adjunct of Japan than part of the American Union.

That is the opinion of a man engaged in handling these immigrants, who is and whose fathers before him for two generations have been farmers in California, and whose brother, Stephen M. White, as I remind Senators, was some years ago one of their colleagues.

One moment, Mr. President, to give another example of this great change that is happening in our country through the West, and with which apparently the East is not familiar, misinformed and moved largely by the skill of diplomacy, moved by the opinions of the press, and the creation of a certain sentimentality of brotherhood by well-meaning men—

The steady patriots of the world alone,
The friends of every country but their own.

I have here a population chart of the Territory of Hawaii printed in the last report of Gov. Pinkham, and it shows this:

Japanese, 97,000.
Hawaiians, 23,000.
Americans, British, Germans, and Russians combined, 16,000.

The increase of the Japanese is out of all proportion to the increase among the other nationalities. In fact, there has been practically no American increase at all, and the Hawaiians have actually gone back. But what bears upon this discussion is the comparative table of births in the Territory of Hawaii, an American Territory:

July 1, 1908, to June 30, 1916: American births, 1,343; Chinese, 4,031; Japanese, 22,387.

The Americans are in possession of that country, and their birth rate during that period is 1,343, as against 22,387.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator what is the resident population of Japs and the American population in Hawaii. There is a wide difference, I think.

Mr. PHELAN. I believe I have just stated that the Japanese numbered 97,000.

Mr. MARTINE of New Jersey. And the Americans?

Mr. PHELAN. They group here the Americans, British, Germans, and Russians at 16,000.

Mr. MARTINE of New Jersey. There is a very wide difference in the population.

Mr. PHELAN. I think the Americans alone are about 10,000 in number.

Mr. MARTINE of New Jersey. Naturally the Japanese birth rate would be larger then. That is a legitimate result.

Mr. PHELAN. I think that is perfectly obvious. I will say that on account of the productivity of the Japanese, as opposed to the lack of productivity in the more refined and less, therefore, prolific peoples—civilization and productivity do not go together—the Japanese are populating the land out of all proportion to their numbers.

Mr. MARTINE of New Jersey. Does not the same condition prevail throughout the world, not alone with reference to the Japanese race? Does it not apply to the highly cultivated races, if you choose, of England and of France? The great problem in France to-day is the lack of births, the decrease of the birth rate; so as that condition has been cultivated, seemingly, the propagation or increase of their kind lessens.

Mr. PHELAN. Yes; I suppose the ruder the people are the greater the productivity.

Mr. MARTINE of New Jersey. That is doubtless true.

Mr. PHELAN. And hence there becomes manifest the necessity of peopling this land, where our own people do not produce their kind to the extent desired, by desirable immigrants from the white nations of the earth. Otherwise, the great principles for which our Government stands will be lost to the world, unless new lovers of liberty, like the original immigration, are now permitted to come in here freely to support them. We only are busy in the Senate to-day, as I understand, to keep out undesirable. The orientals are such.

But there is the story of the "picture brides." I do not believe we should tolerate such a condition. Both Mr. White and Dr. Billings refer to section 37 of the immigration act, under which they have apparently, as officials of the San Francisco station, doubtless at the direction of the Department of Labor, admitted these picture brides. Section 37 says:

That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him—

If they are without disease—

they shall, if otherwise admissible, thereupon be admitted.

First, you will observe that this right inheres in one who has taken up his permanent residence in this country. These people,

I venture to observe, have not taken up a permanent residence. They come, make a stake, and return, and by some legerdemain another takes their place. It is hard to identify them, and that is the way the population of the oriental is maintained. Even when he goes away he leaves his counterpart behind, so there is no gain for us—gain in the sense of losing him.

But secondly, he must also have filed his declaration of intention to become a citizen. Now, inasmuch as under our naturalization laws the Japanese are ineligible to become citizens, it is a perfect mockery to say that if one so ineligible should declare his intention to become a citizen he could qualify himself under this act for the purpose of importing a wife. This section seems to have been written for the very purpose of keeping out oriental brides, and yet these officials refer to section 37 of the immigration act and the inherited practice thereunder to justify the admission of these brides. Is that another example of the subservience under which we labor to the oriental Empire? There seems to be such an overweening desire to strain the law, aye, even to violate it, in order to help out these unfortunate people. "If you do not favor us, even to the extent of violating your own laws in our behalf, woe unto you, ye men of the West! We are aroused. We shall resent any attempt on your part to interfere with our nationals, even though they live in violation of your municipal laws."

But whereas the present law practically denies them the right to import their women, because they are incapable of making a declaration of naturalization, what was my surprise to find that in the bill which is submitted to the Senate, the Senate committee has amended it and the House language in the interest of the picture brides—the very evil of which we complain! As it came from the House, section 22, on page 49, reads:

That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him—

His wife and children may join him. The Senate committee had stricken out the words "taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen," and has substituted "shall have resided in the United States for seven consecutive years." It does not require permanent residence in this country beyond a period of seven years, which is a convenience for somebody who does not intend to remain, and it does not require him to have filed a declaration of intention to become a citizen. Why abandon the advantage we have? Why defeat the purpose of the House?

I do not think that the language proposed by the Senate committee should have been approved by this body, but I will not move now a reconsideration, because the hour is late. I do ask, however, that the amendment I have submitted may be adopted. By that means, going into conference, there can be devised some scheme by which this purpose may be reconciled with the language of the amendment, to the end that this evil, which is aggravating the Japanese peril, and which is bound to result in further irritation and possibly in serious trouble, may be abated by act of Congress.

Mr. LANE. Mr. President, I should like to ask the Senator from California [Mr. PHELAN] a question which has suggested itself to me. If these Japanese men send for native women of their own country and marry them, does the Senator claim that their children become citizens?

Mr. PHELAN. Children born upon American soil, whether in the Territory of Hawaii or in California or in Oregon or Washington, as the Senator well knows, do become citizens and voters.

Mr. LANE. That being the case, would they not then be under the absolute control of the laws of this country and the will of our Government, and therefore removed from the influence of Japan; and would not that remove the objection that they would remain loyal to the country of their parents, and follow or obey its behests?

Mr. PHELAN. It has been my observation of a lifetime that the Japanese always adhere to their own allegiance; they always feel that they are subjects of the Emperor; they have a superstitious regard for the Emperor, and feel that they owe loyalty only to their native land; and that is one of the elements, apart from physical considerations, of their nonassimilability.

Mr. LANE. Then, would not their becoming citizens remove them from that influence and perhaps make them of less danger to the country than they would be if you denied them the right of citizenship? Do not the Japanese, or the people of any other nation where there are large numbers of males only, in an American community debauch our own women? Do they not prey upon us in that way, and is not that an evil? Is it wise to refuse them the right to bring their own wives? Is it a proposition that in the long run is wise?

If a man will marry a woman on a picture of her, he ought to be allowed to have her. We ought to punish him by making him marry her and live with her. At any rate, laying that view of it aside, would it not in the long run be for the betterment of the general condition of the country that they have their own women to marry and to raise children by rather than to let them loose upon this country to prey upon our women?

Mr. PHELAN. I am looking at it as a broad national question. I am not concerned about the individual.

Mr. LANE. Not about our people—the women of our race? The Senator is not concerned about their welfare?

Mr. PHELAN. If it can be said that the women are exposed to danger because of the presence of men without wives, I suppose our laws are well able to take care of them. That is what laws are for; and it will be an additional reason for them to return to their native shores and renew their companionship with their wives, if they have any, or otherwise to make matrimonial arrangements. It will be an additional incentive operating in our favor for them to go back home. For racial reasons Japanese so born do not become American citizens, even if intellectually they are our equals and even if they possess an intellectual appreciation of our institutions. When they come in such large numbers, being unable physically to assimilate with us—or, to put it the other way, as in the South, it being undesirable to encourage assimilation—they should be discouraged from coming here. They can not, in the nature of things, make desirable American citizens; and the problem is insistent and aggravated on account of the large number on the other side of the ocean who desire to come.

The Senator from Missouri [Mr. REED] was surprised that we were not interested in immigration from the West Indies and from the Azores. That is no problem. Those people are not trying to get into this country in any appreciable numbers; but we on the Pacific coast have been holding back, in the matter of the Chinese and the Japanese, a real, silent, but overwhelming invasion. They are accomplishing by silence and diplomatic means what they dare not attempt by open and forceful means.

The Senator will remember, from his reading of history, that the civilization of Europe, of which we are so proud and of which we are the product, was saved from these Asiatic hordes by the little band of Greeks at Marathon, which gave us two centuries of Athenian life, by the Gauls, who drove back Attila and his Asiatic hordes, and by Sobieski at the gates of Vienna, who repelled the Turkish Mongolian incursion. They were always fighting a horde of migratory Asiatics to protect and save our civilization; and we are making that same fight upon the Pacific coast to-day, and we are not understood nor appreciated. We are saving this country from Asiatic contamination. The orientals now have all the commerce of the Pacific. Out of every six ships from the Orient that come in five are Japanese, giving a preference to the Japanese in matters of freight and passengers; and we are indulging the "pipe dream" that these are a harmless and inoffensive people, who have no designs whatever on our commerce nor to possess our land. Yet I say they are insidiously possessing themselves of our land to-day, and in violation of the law smuggling themselves over the border and importing "wives." This is a land which attracts them. Climatically better than any land on earth as Hawaii and California to the Japanese. They do not invade the colder climates. In some instances they can not be controlled by their own Government, which I believe would turn them to Korea and Manchuria, where they have vast undeveloped areas. They have a great destiny in their own country, where, I believe, they should stay, and keep us out of it, except as they come here for commerce and trade. We ask nothing which we should not be ready to grant to others.

Mr. LANE. I appreciate the statement that if more came they would be inimical to the country; but I was wondering whether or not if they had family ties, they being an independent and proud people, it would be a step toward the settlement of the matter if the children of those already here became citizens.

The Senator knows, because he has lived there all his life, and I know, because I have lived there all my life, that they were brought into Hawaii because they furnished cheap labor. They were imported there. We sought them. They did not come until we did seek them. We had hard work to get them. We sent agent after agent to Japan to get them in order that some of us might grind the face of Caucasian labor and beat down the price of it. We put them on our railroads for the same purpose; we did it also with the Chinese, and the Japanese are there yet in the section gangs. You in California put them out in your orchards, your vineyards, and your hop fields so that you might get the cheapest of labor,

cheaper than the white man could afford to render, and you have them there now, and we have them in Oregon, and we are both responsible for it. They like our country. We put them into Hawaii for the same reason, and they like that, and there they are, and they will not stand brushing aside. You can not go up to a Jap and boss him around or tell him to get out of your way. He will personally insult or offer violence to you, and you will have to take it or fight. They do not stand for any such talk. You have to treat them fairly.

I realize that if the hordes of that country and the immense hordes of China are allowed to come in freely they will push our people out. But we are responsible for it to a certain extent; and in the case of those that we have brought in here we ought, in making a basis for future action, at least give them a fair, square deal and adopt those means which will be least harmful in our efforts to stop further immigration.

I was just wondering whether it would not be better for this country, in the larger aspect of the case, in view of the situation that exists, to let them bring their women here, and marry them, and be their legitimate husbands? That might make their children loyal to this country—and their loyalty to the country they love is unsurpassed by the loyalty of any other people in the world. Would not that be better than to leave them loose upon our women, if you please? Is not that our duty as the people who imported them?

The Caucasian hunted down and made a slave of the African, and lived on his labor, in order to get labor at a cheaper price than the white man would work for. The white man brought the Japanese to the Pacific coast because he would work cheaper than the white man. I have seen it done all my life, and I have not much patience with the theories or methods which overlook the rights of the white men of the country. They are getting possession of the land now. They are becoming the leaseholders of the land. They are digging into "big business" now, and for that reason they have become obnoxious. Just as long as they worked here for less wages than the white man, and lay low, and kept dark, and would stand for the orders that were given to them, whether they were just or unjust, there was no question regarding them raised in this Senate. We of the poorer class of the Pacific coast resented it when they came in on our backs, and when certain other gentlemen put them there and said they were superior to the white man for the reason that they would work for less money and get along on a smaller amount of food. Now they are digging into the ribs of the gentlemen who brought them here, and they are very much interested in it now—and I am, too, looking at it broadly, to protect the white women—and I am not sure you will accomplish your object by excluding the Japanese women. There is no better mother in the world than the little Japanese woman. There is no woman kinder to her baby, no better wife than the little Japanese girl makes to her husband. We have them there, the Senator says, to the extent of 97,000 in Hawaii and 45,000 in California, and in Oregon we have our share, necessarily preying upon our white girls. Give an eye and a thought to them, if you please.

That was what attracted my attention. I am not saying this to the Senator from California personally. It is what we all have done, and what the people on this side of the country did with the race of people that they forced to come here.

Mr. GALLINGER. Mr. President, I do not want to delay the vote on the amendment of the Senator from California, although I was not privileged to hear it read, having been absent; but I do want to express the hope that this discussion of the relations of our Government with Japan may end before long. We went behind closed doors the other day to discuss that question, and it has been discussed at least half a dozen times since then along substantially the same lines that it was discussed behind closed doors.

I do not know what effect this prolonged discussion may have upon the interests of our people in the future, but I really think we ought to terminate it in the near future. Japan has control of the Pacific Ocean to-day. It is our fault that she has. Our commerce on the Pacific Ocean has been wiped out because of our own fault in matters of legislation. Japan is a great nation, and not only a great naval power but a great military power. We are on terms of friendship with her to-day. I hope that we will always continue to be on terms of friendship, but I suggest that if we are to have interminable debates on questions relating to Japan in this body or in the other body, we may possibly regret it at some time in the future.

Mr. President, that is all I care to say on this matter. My only purpose is to express the hope that we will soon get through discussing the relations—commercial, industrial, economic, or political—between ourselves and a nation that has given us no

occasion for entertaining anything but friendly thoughts toward her and having friendly relations with her.

The PRESIDING OFFICER (Mr. BRYAN in the chair). The question is on the amendment of the Senator from California.

Mr. VARDAMAN. Mr. President, before the vote is taken I ask that the amendment may be stated.

The SECRETARY. On page 50, after line 17, it is proposed to insert the following words:

No woman not legitimately married according to the laws of the United States, and not otherwise excluded by this act, shall be permitted to enter the territory of the United States, or any possession thereof, when the men of the same race and class are excluded either by law, treaty, or agreement.

No proxy, "picture," or other marriages not regularly solemnized between the two contracting parties in person before the date of the departure of either or both parties from their own country shall be held to be legitimate for the purposes of this act by the departments and courts of the United States.

The PRESIDING OFFICER. The question is on the adoption of the amendment. [Putting the question.] The yeas seem to have it. The yeas have it, and the amendment is rejected.

Mr. VARDAMAN. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator is too late. The bill is in the Senate and still open to amendment.

Mr. LA FOLLETTE obtained the floor.

Mr. PHELAN. Mr. President, I am new in this body. I should like to know why it is too late to call for the yeas and nays. Ordinarily the Chair pauses to see if it is the intention of either side to call for the yeas and nays. There was no such pause. I therefore ask the Chair to submit the question on ordering the yeas and nays.

The PRESIDING OFFICER. The Chair can not do that.

Mr. GALLINGER. I suggest that the yeas and nays were called for and, I think, only two hands were raised. The call was denied under our rule.

The PRESIDING OFFICER. It was not the intention of the Chair to act in any way adverse to the interests of the Senator from California, and the Chair was not conscious that he did it.

Mr. LA FOLLETTE. Mr. President, there is a provision in the bill which would have made those who engaged in the Boston tea party inadmissible to citizenship in this country if the destruction of the tea had occurred in a foreign country. I apprehend that those who framed the bill in the language which is before me on page 5, a portion of which I purpose to move to strike out, had in mind a purpose with which few would disagree, but I think the language is very inapt. I move to strike out, on page 5, lines 10 and 11, the words:

or who advocate or teach the unlawful destruction of property.

And also the same words in lines 19 and 20 on the same page. As the words are identical, I think I can make the motion in that way.

The clause on page 5, lines 10 and 11, would exclude from this country anyone who advocates or teaches the unlawful destruction of property. No revolutionary movement could possibly be conducted without resulting in the destruction of property, and those who were organizing for that purpose would have to agree among themselves that they would perhaps blow up a fort or take forcible possession of an arsenal.

I called the attention of the chairman of the committee and of the Senator from Massachusetts [Mr. LODGE] to the phraseology, and both of them agreed that it ought to go out of the bill.

Mr. SMITH of South Carolina. If the Senator from Wisconsin will allow me, this is in keeping with the clause that has already gone out of the bill, and as chairman of the committee I accept the proposed amendment.

Mr. LA FOLLETTE. Then there should also be another clause stricken out in connection with that; but I suppose the vote should be taken first on this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin.

Mr. GALLINGER. Mr. President, I presume that language was placed in the bill by the other House to meet a condition that does exist in this country to some extent. In the hearings before the late Industrial Commission in the city of New York a Mr. St. John, representing a great organization in this country, openly declared that he and his men with whom he was associated believed in sabotage; that they believed it was right; that the means justified the end—to destroy the machines upon which they were working and to compel obedience to their demands by methods of that kind.

Now, I apprehend this language was put in there for that purpose. It may be unfortunate language, but I want to say before it goes out that that is one of the problems which we shall have to deal with in the future, as long as we tolerate at least one organization in this country, composed of possibly

hundreds of thousands of men, who openly say that any means whatever, lawful or unlawful, fair or foul, which are employed in the name of labor are legitimate. I take exception to that view, and I think our Government in some way, not in the far distant future but in the near future, will have to face that problem as well as other serious problems that are not far away from us at the present time.

Mr. LA FOLLETTE. Only a word, Mr. President. It will be dealt with, I trust, whenever it is taken up in language that will not destroy the privilege of asylum in this country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

Mr. LA FOLLETTE. On page 57, I move to strike out the paragraph beginning with line 23 and ending with line 3, on the next page. I will read the language proposed to be stricken out:

Any person who knowingly aids or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment.

Of course, with the other language stricken out, there is nothing for that to relate to in the bill, and it should go out. I move to strike it out.

Mr. GALLINGER. Mr. President, I am not quite sure about that. Here is a proposition that we think we ought not to legislate against a man who knowingly aids or abets or assists any alien who advocates or teaches the unlawful destruction of property to enter the United States. Mr. President, I think we ought to take pause before we place ourselves on record in opposition to that declaration.

We are going pretty rapidly in mutilating this bill, and I am not quite sure it will not become my duty or the duty of some other Senator to move that we yield to the demands of every alien, whatever his demands may be, whether they are fair or foul, lawful or unlawful, who comes into this country.

The unlawful destruction of property is a very serious matter, because, as a rule, it means the destruction of human life at the same time; and if we are to admit men to our country and uphold them by our laws and by public sentiment, who openly declare that property and life may be destroyed simply because the condition of society is not what they would have it, I think we are entering upon a very serious condition of things.

I want now, Mr. President, simply to say to the Committee on Immigration, with whom I have cooperated in this legislation, and I want to address myself to the chairman of the committee—I say to the chairman of the Committee on Immigration and the other members of that committee with whom I have cooperated cordially and sincerely with reference to this kind of legislation, not only this year but in former years—that if every proposed amendment, no matter how absurd it may be, is to be agreed to by the committee offhand and allowed to go on this bill, it is barely possible the bill will not get through any faster than it would if the committee acted on their judgment and gave us the benefit of their views.

Mr. SMITH of South Carolina. Mr. President, I hope the Senator from New Hampshire will remember that the paragraph in the bill which the Senate committee had written in in reference to this matter, as was called to the attention of the Senate, would preclude those who were under persecution abroad or under what would be considered intolerable conditions of their government who might revolt and be guilty of what is known as a political crime. The Senate took action on that question after extended debate here.

Now, this is of less consequence. The Senator from Massachusetts [Mr. Lodge], who has had more experience than I have had in these matters, as this will refer under the administration of our immigration department to those political offenses which have been taken care of heretofore, suggested that the committee allow these clauses to go out after the first one had already gone out.

The committee deemed that on this last proposition to amend by striking out, having the other two provisions eliminated, the clause has nothing to which it would refer. We do not debar those who teach the unlawful destruction of property when they are resisting the government they are subject to when they come here. That is the reason why the suggestion was made to the chairman by perhaps the oldest member of the committee, that it would be very well for us to allow this clause to go out on account of the political aspect, this country heretofore having been able to take care of it.

Mr. GALLINGER. Mr. President, this country has not taken very good care in cases that I might cite if I cared to occupy the attention of the Senate. In my own State property has been

destroyed, and yet these men have been upheld and very few of them punished. I think that we may well consider this as a very serious matter. If we have eliminated from the bill other provisions of more consequence looking to the safety of our people and the property of our citizens, I think it is about time we allowed at least a mild proposition such as is contained in these words to remain in the bill.

But I think I understand the situation pretty well. I have seen it done here before a great many times. I have never been a party to it. It is to allow anything to go into a bill for a day or two and to take care of it in conference.

I should like the committee to stand by the report they have made to this body if they believe in it. If they do not believe in it, that is another proposition.

I repeat, if the bill is to be hastened through by accepting pretty much any proposition that is made by way of amendment, it is barely possible that it may be halted by some of us who do not believe in that kind of legislation.

Mr. WORKS. Mr. President, I am a little afraid that we made a mistake in striking out the other portions of this bill. I am quite sure that this provision ought not to be stricken out. I do not think we ought to put ourselves in the position of encouraging or acknowledging the lawfulness of just such a thing as is forbidden by this clause in the bill. We ought not to be encouraging anarchy or the willful and unlawful destruction of property.

Whatever may be done with this provision when it goes into conference the Senate is putting itself in the attitude of waiving that sort of thing by striking out this provision in the bill. For that reason I do not like the effect of it myself.

Mr. LA FOLLETTE. Mr. President, it seems to me that the Senator from New Hampshire and the Senator from California entirely misapprehend the scope of the language which it is proposed to strike out of the bill. I think one can fairly assume that both those Senators will readily agree that the destruction of property by any revolutionary movement before that movement has arrived at such a stage as to have recognition as belligerents would be an unlawful destruction of property, and that those who had engaged in seeking to overthrow an empire, to establish, we will say, a democracy, who have advocated and have participated in the destruction of property in carrying on their revolutionary movement, in the event of its failure before they reach that stage where they were recognized as belligerents and where the destruction of property would not be unlawful, would be forever barred from admission to this country.

Mr. President, I apprehend no one would have moved to strike out this language or to strike out any provision in the bill, which was directed to reach the destruction of property through those who were opposed to organized government.

Mr. WORKS. The trouble about that is that we are striking out a clause in the bill which does cover just that condition of things.

Mr. LA FOLLETTE. Then it could be framed so as to cover that and nothing else.

Mr. WORKS. The Senator is perfectly right; but this language goes to the anarchistic destruction of property, if I may use that term, and that portion ought not to be stricken out. If it could be limited to that, of course that would be all well enough.

Mr. LA FOLLETTE. The language as framed now would deny to this country any man who ever participated in a revolution in Europe.

Mr. WORKS. Yes; but it would exclude a great many other people who ought to be excluded.

Mr. LA FOLLETTE. But it is so framed as to deny the privilege of asylum to good, patriotic men, such as we have always welcomed in this country since we have been a government. It is because it is so framed and not that I desire to give harbor to the undesirables referred to by the Senator that I moved to strike it out.

Mr. TOWNSEND. Mr. President, I voted against the amendment proposed by the Senator from Wisconsin, which struck out the previous provision referring to undesirable aliens. Although there was no record vote, I was one of two who voted against it. I shall vote against this amendment, first, because I do not think that anybody here properly understands the situation, and, second, because it is wrong.

The suggestion made by the Senator from Wisconsin should be framed in such a way as to cover what he has in mind, but this provision excluding criminals should remain. The amendment we are now considering is a part of section 28. That section deals principally with anarchists. Shall we strike that paragraph out and thus invite that class of people into this country? With that out of the bill it will contain no provision

to punish those who encourage and induce the landing of anarchists known as such because of their profession of destroying property.

If we are going to confine this to the class of men suggested by the Senator from Wisconsin, to whom few would take exception, it should be so expressed. I for one want it understood that I did vote to strike out the other provisions, for I think they excluded most undesirable immigrants.

You are going too far. This bill is being relegated to a conference committee to frame. Provision after provision has been criticized by its proponents as being such as were not properly understood; they ask to have it shaped some way in conference. Is that the way for the Senate to legislate in matters of this grave importance?

Mr. President, I shall be obliged to vote against this bill if these provisions are to be stricken from it. I want to support the measure. I have supported similar bills in the past, because I have believed in restricting immigration; and I have known no better provision, at least no better provision has been presented, than the literacy test. If some better one could be presented, I would gladly support it; but this, it seems to me, does exclude a large class of unworthy people from our country. Therefore I have expected to vote for it. I shall not be a party to any unwise attempt to extend a doubtful benefit to a few revolutionists who may be patriotic which, however, clearly does admit a class of undesirables, of which we already have too many. If we do not want to exclude the better class, let us mention them, and so confine the bill in terms to what we really desire. I object, Mr. President, to this matter being stricken out in this way.

Mr. PHELAN. Mr. President, I was not paying attention to the proceedings when that action was taken, and I suppose I am therefore counted among those who voted for it.

The PRESIDING OFFICER. The Senator from California has a right to move to reconsider.

Mr. PHELAN. That was my purpose in rising.

I simply desire to say that I did not agree with the Senator from Wisconsin in making it appear that the clause relates to revolutionists. I believe in "the divine right of revolution." I believe this refers to what is known as sabotage, where property is destroyed as a means for obtaining some industrial end; and I do not think it should be encouraged. The destruction of property is not the way to settle difficulties or even to get a hearing. I therefore move to reconsider the vote by which the language was stricken out.

The PRESIDING OFFICER. The question first comes upon the motion of the Senator from Wisconsin to strike out the language at the bottom of page 57 of the bill.

Mr. LA FOLLETTE. First, Mr. President, there is a motion pending to strike out. Perhaps that is what the Chair stated.

The PRESIDING OFFICER. That is what the Chair stated.

Mr. LA FOLLETTE. I did not catch the statement. I have a motion pending to strike out the last paragraph of section 28, on page 57. The Senator from Michigan states that if that last paragraph is stricken out there will be no provision of the bill under which the offense of aiding in the bringing in of anarchists can be punished. All the first part of section 28, down to line 23, takes care of that, and provides a penalty of \$5,000. I think the Senator must have overlooked that or he would not have made the statement. The language is:

SEC. 28. That any person who knowingly aids or assists any anarchist or any person who believes in or advocates the overthrow by force or violence of the Government of the United States, or who disbelieves in or is opposed to organized government, or all forms of law, or who advocates the assassination of public officials, or who is a member of or affiliated with any organization entertaining or teaching disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, to enter the United States, or who connives or conspires with any person or persons to allow, procure, or permit any such anarchist or person aforesaid to enter therein, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than five years, or both.

The provision on page 5, which remains in the bill after the two clauses which have been stricken out upon my motion and which relates to anarchists, will read as follows:

Anarchists—

That is, those persons who are debarred from admission altogether—

anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials—

I am now reading it with those words out—

persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character.

So the change which would be made if the pending amendment be adopted would still leave in the bill the provision against the admission of anarchists and the punishment of those who aid such persons to enter this country.

It leaves the bill infinitely stronger than is the existing law, which excludes anarchists or persons believing in or advocating the overthrow by force or violence of the Government of the United States. I assume that it was the purpose of those who drafted this measure in this clause to shut out people who would be inclined to engage in or who advocated or taught the unlawful destruction of property. However desirable that end, these clauses were so drafted that no man who participated in any attempt to overthrow a tyrannical government, if these clauses had been the law, could possibly have gained admission to this country. These clauses were stricken from the bill, and the pending amendment merely seeks to strike from the bill a clause under which any citizen of this country could be punished if he aided a revolutionist like Carl Schurz to enter this country.

Mr. TOWNSEND. Mr. President—

Mr. LA FOLLETTE. In moving to strike it out, I took the easiest means of producing a situation which would leave the committee that framed the bill in the other House and the committee of the Senate, from whom will be drawn the conferees, to find apt and proper language in the deliberations of the conference committee, where they would be able, as I believe and as has been suggested by the Senator from Massachusetts [Mr. LODGE] and the Senator from South Carolina [Mr. SMITH], to frame a provision that would properly be a part of such a paragraph.

I do not think that under a total misapprehension here we ought to permit to remain in this bill in a way in which it can not be amended in conference a provision which brings it entirely within the criticism made by the President when he vetoed this measure, that we were incorporating in it any phraseology or any provision which would deny, or could be construed to deny, the right of asylum in this country.

Mr. TOWNSEND. Mr. President, I desire again to state that if we strike out, in addition to the two provisions which have been stricken out, the one now under discussion, I can find no provision in this bill that would attempt to punish anybody who sought to bring into the United States an anarchist, whose business is the destruction of property. I do not believe that the Senate wants to pass a bill upon which that construction can be placed. I think we had better adjourn to-night and let the bill go over until to-morrow, and it will be an easy matter to provide just exactly what we want to exempt and what we all agree upon should be exempted, rather than have the Senate make a serious mistake.

Mr. SMITH of South Carolina. Mr. President, I should like to call the attention of the Senator to the point that was made in reference to the President's veto of the last immigration bill, which has had great weight with the committee. The House framed the bill and sent it over to us containing the two provisions which have been stricken out and the one which it is now proposed to strike out. If we can, we should so frame this language as to meet his objection and yet save us from any unfortunate conditions that may confront us, because all of us know that certain acts will follow whenever an oppressed people rise up to resist oppression. If we strike out the provisions drafted by the House, it will afford an opportunity in conference between the two Houses to adjust the matter satisfactorily. Let us, with a clear understanding of what they want and what we want and what opposition we are to meet, put the bill in such shape that it may be perfected. The action taken is not due to any attempt on our part to encourage anarchy or to encourage the unlawful destruction of property. We are not proposing to do anything of the kind. Nor can it be considered as catering to passions that may sometimes be present in our labor troubles. It is due to a disposition on our part to get a bill, if possible, that may meet the objections of the Chief Executive in the exercise of his veto power and yet preserve to us the very things that we want in this bill. A reading of the President's veto will disclose the fact that this provision is one of the grounds upon which he based his action.

Now, as to the provision concerning anarchy and the destruction of organized government, we have not touched that, and, as has been pointed out, the provision in regard to anarchists is separate and distinct from that paragraph which provides a penalty for aiding and assisting those advocating anarchistic principles who desire to come in. I am sure that the conference committee can find language that will meet the cases to which the Senator from New Hampshire and others have called attention, and not to run the risk of denying asylum to those patriots who in resisting oppression have incidentally done violence to property.

Mr. GALLINGER. Mr. President, if the Senator will permit me, does not the Senator think that if we take an adjournment the committee could do that as well as the conference committee? The Senator knows how helpless we are when a conference report comes in here. We have to vote it up or down without the power to amend it.

Again, Mr. President, I want to suggest that we are now trenching on a new field of legislation, that we are to legislate to please the Chief Executive, that we are to legislate so that he will approve of the bill we pass.

Mr. SMITH of South Carolina. No, Mr. President.

Mr. GALLINGER. And I will venture to ask the Senator from South Carolina, if he has any information that he would feel like divulging as to whether or not the President of the United States has changed his mind regarding the literacy test because of which he vetoed the last immigration bill?

Mr. SMITH of South Carolina. I have no information that I would not give to the Senate if I were in possession of it.

Mr. GALLINGER. I know the facility with which the President can change his mind as to other matters, and possibly he has changed his mind in reference to the literacy test, but, whether he has or not, I think we ought to legislate along a line that we approve of and take our chances with the Chief Executive.

Mr. SMITH of South Carolina. The Senator from New Hampshire, of all men in the Senate, would not impute to me a desire to be untrue to a principle in order to avoid what others may do in reference to that principle. That is not the point. Some men are masters of expression, and we desire to so express ourselves in reference to this matter as to keep what we are striving for and match expression against expression when it comes to the question of a reason for vetoing it. I would be delighted to be able to present a bill that keeps the principles that we all want, and yet deny asylum in this country to no one who desires it.

Mr. HARDWICK. Mr. President, if the Senator from South Carolina will pardon me, let me state it in a little different way. We are not trying so much to draw this bill so as to meet the Executive approval as to draw this bill so as to meet an objection already urged that may to our minds be good in part. That is perfectly proper, whether the objection comes from the Executive or anybody else. An objection has been made along this line. There is some merit in it to some extent, so that we ought when we are passing the bill again to try, so far as we can, to meet that objection. It is not a question of subserviency to the Executive at all.

Mr. GALLINGER. There is force in the suggestion made by the Senator from Georgia [Mr. HARDWICK], and yet this is not the first time during this debate that we have been told that we ought to be careful and not put anything in this bill that would cause the President to have substantial grounds for vetoing it. I do not like that expression in the debate on a bill of this kind. But, however that may be, I will again ask the Senator from South Carolina—and after making the inquiry will take my seat—whether he does not think if we adjourn to-night that the committee, composed of wise men, with the aid, if you please, of the Senator from Wisconsin, who takes much interest in this matter, can frame a provision that we may agree to, without having it go to conference, where whatever is agreed to we will have to adopt, whether we like it or not? I ask that question of the Senator in all sincerity and good faith.

Mr. SMITH of South Carolina. Mr. President, the Senator from New Hampshire has served so long a time in this body that I am sure he sympathizes with me and appreciates fully the position that I occupy. I ask the Senator to let us have a vote on this measure to-night, because we never know what a day may bring forth. We have a good bill, I think an excellent bill, and I am sure that no violence will be done to the principles of anyone by allowing the bill to be acted upon to-night. I ask the Senator not to insist on having the bill go over until tomorrow. So far as I am informed, this is the last amendment, and then will come a vote on the bill itself. I will be delighted to take a vote to-night, and I do not think, as I have said, that any violence will be done to any principles that are dear to us

on account of the views of the Executive or otherwise. I ask the Senator, if possible, to let us reach a vote this evening—it is not yet 6 o'clock—and this matter will then be out of the way without any chance of being jeopardized. I appreciate just how the Senator from New Hampshire feels, and I am sure he appreciates how I feel.

Mr. GALLINGER. Can the Senator from South Carolina give us any assurance that this is the last amendment?

Mr. SMITH of South Carolina. So far as I know.

Mr. GALLINGER. That is always a rash assumption in this body.

Mr. SMITH of South Carolina. I will state that of course I can not tell any further than just the mere symptoms that I have seen; but I have not seen any very pronounced symptoms otherwise, and I think we have all worked to a common end and have honestly tried to perfect the bill as best we can.

Mr. CHILTON. Mr. President, the Senator has forgotten that I have submitted to him an amendment which I expect to offer after this one has been considered.

Mr. SMITH of South Carolina. I had proposed to accept that amendment, since it is merely administrative.

Mr. GALLINGER. The Senator can not accept it. It is for the Senate to do that.

Mr. SMITH of South Carolina. I know I can not; but I mean as chairman, as confidence has been expressed in me, though I am a little shaky just now as to what I do accept.

Mr. GALLINGER. Mr. President, I want to meet the Senator on the common ground of good feeling. It has been my fortune or misfortune to have pretty important bills in charge during my somewhat prolonged service in this body, and I was anxious to get them through and made appeals such as the Senator has made. I certainly will not obstruct a vote on the bill this evening if the Senator feels that we ought to have it, because I really have faith to believe that the Senate, when the amendment that is now pending is put before it, will reject it. I do not believe the Senate will put itself on record as agreeing to the amendment that is pending; and I believe that when the Senator from California moves to reconsider one or two other unfortunate amendments that we have agreed to the Senate will stand by him in that effort of his.

With that statement I certainly shall not obstruct the progress of the bill.

Mr. TOWNSEND. Mr. President, may I also make an appeal to the Senator from South Carolina on the ground that I believe there are a number of Senators, like myself, who would like to vote for this bill, who have been very anxious to assist the Senator from South Carolina in shaping the bill and have supported him from the beginning, who would like very much to have this particular amendment put in such form that we can vote for it here and can express our views upon it. It will take only a little while. I am sure that it will be long after 6 o'clock before the bill is passed if we go on with it to-night, whereas if to-morrow this matter were brought in here in such form as the committee and the Senate desire it could be passed without any prolonged debate.

I am sure that the Senator ought to consider the feelings of some of the rest of us who have also been greatly interested in the bill when we say we do not want to have this matter disposed of by the Senate without any provision being made for the very case suggested by the Senator from Wisconsin, because those things are necessary. Even in the minds of the Senate, now, I believe those things ought to be done; and why ought not we to do it, rather than vacate our position and turn it over to a conference committee?

Mr. CLAPP. Mr. President, in case the Senate should reject this amendment, and reverse itself on the other votes, would it not deprive the conference committee of any power in the premises?

Mr. SMITH of South Carolina. It would deprive them entirely of all power to deal with the matter.

Mr. CLAPP. I think the Senator from South Carolina and all Senators feel that there should be some provision that will exclude the anarchist and not exclude the man who has simply participated in an unsuccessful revolution.

Mr. SMITH of South Carolina. Every Senator here understands that the chairman feels the force of the argument, and I think perhaps there has been a little undue importance attached to it because of the expression in the paragraph. We say, "those who teach the unlawful destruction of property." The paragraph preceding the part stricken out takes care of all the features of anarchy. The paragraph preceding the penalty clause on page 55 also takes care of that. But, as some have pointed out with force, there might be a class which we could reach by having the language properly adjusted.

Mr. CLAPP. Exactly.

Mr. SMITH of South Carolina. We would like to go before the House. If the amendment is rejected and this does not go out, then we will have nothing to work on when we go into conference.

Mr. CLAPP. That is just why I wanted to suggest to the Senator that offhand to-night there is not much question in my mind but that the proposed amendment will be rejected and the vote reversed upon the other two propositions, which would then leave the Senator in charge of the matter in conference powerless to make any modification, and to make that distinction, which I have no doubt to-morrow at 12 o'clock the Senator himself could report in a form that would meet the general approval of the Senate. His idea that something must be passed to-night that has been twice vetoed, and has been pending for years, I must say does not appeal to me, nor does the principle, that has been so unusually manifested in this bill, of leaving everything to conference. The trouble is that the Senator now faces a situation where, in my judgment—I may be mistaken as to that—the chances are that his hands will be tied in conference, whereas by taking time some form could be adopted which would embody the distinction which is in the Senator's mind and, I think, in the minds of all the Senators; and then there would be something in conference that in turn might require some modification to meet the views of the conferees of the House. It does seem to me that the proper thing to do is to put this matter over until morning.

RECESS.

Mr. SMITH of South Carolina. Mr. President, in view of the expressions of friends of the bill in reference to this matter—of course, if we go on it will be thrashed out here—I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate took a recess until to-morrow, Thursday, December 14, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 13, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Let Thy tender mercies be over us, O God our Heavenly Father, and incline our hearts to yield our obedience to the insistent influences which are ever going out from Thee; that we may abhor evil, and cleave to that which is good; that our lives and acts may be in harmony with all that makes for righteousness in pure and holy living; to the end that Thy kingdom may come, and Thy will be done on earth as it is in heaven, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CENTRAL NEWS ASSOCIATION OF AMERICA.

Mr. HENRY. Mr. Speaker, I ask unanimous consent to amend a paragraph of the rules by adding certain words to which I think there will be no objection.

In paragraph 2 of Rule XXXV, after the words "National News Association," I ask to add the words "Central News Association of America," which will allow a seat on the floor for one of the representatives of that association. It appears to be a reputable news association, and I ask unanimous consent that the rules be amended to that effect.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Chairman, has this request been considered by the Committee on Rules?

Mr. HENRY. It was considered at the last session, and was investigated thoroughly by the committee.

Mr. GARRETT. Have the advisory committee of the press gallery indicated their approval?

Mr. HENRY. Yes; it has been thoroughly considered from every quarter.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.

TRANSPORTATION OF IMMATURE CALVES.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that there be printed 10,000 copies of the report made on H. R. 549 as to the interstate transportation of immature calves. This report was made by the gentleman from Michigan [Mr. HAMILTON]. I ask this at the request of the pure food commissioner of the State of Illinois, who is looking after the dairy business, and who believes that this report is of great value in protecting the calves of the country, so that they may grow into beef instead of being slaughtered for veal.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that 10,000 copies of Mr. HAMILTON's report on the calf bill be printed. Is there objection?

Mr. GARNER. Mr. Speaker, I would like to ask the gentleman from Illinois whether he has an estimate of the cost of this, and whether it has been submitted to the chairman of the Printing Committee.

Mr. FOSTER. It has, and the cost will be about \$40.

Mr. GARNER. Of course, this is a mere propaganda in favor of certain kinds of legislation that some people are not particularly enamored of. However, I do not care to object to the views of the gentleman from Illinois being propagated before the people.

Mr. FOSTER. I will state for the benefit of the gentleman from Texas that in Illinois we are endeavoring to increase the beef supply, and there has been established at one place in Illinois what is called a calf farm, where they have now 500 calves. Certain bankers of the State have taken some pains, and have invested some money in distributing cattle throughout the State, with the idea of increasing the beef supply of the State and of the country.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman from Illinois yield for a question?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does this request to reprint this report come from an official of the State of Illinois?

Mr. FOSTER. The request has come to me from the pure food commissioner, asking for some of these reports, and I am unable to get them.

Mr. MOORE of Pennsylvania. Does the gentleman know whether the pure food commissioner of Illinois has a contingent fund out of which he might purchase these documents?

Mr. FOSTER. I could not say whether he has or not.

Mr. MOORE of Pennsylvania. They are to be circulated exclusively in the State of Illinois, are they not?

Mr. FOSTER. In the State of Illinois.

Mr. MOORE of Pennsylvania. I think the State of Illinois ought to have them. I do not want to object.

The SPEAKER. Is there objection?

There was no objection.

HEADWATERS OF THE MISSISSIPPI—CHANGE OF REFERENCE.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent for a change of reference. On yesterday I introduced the bill (H. R. 18717) authorizing the Secretary of War to lease surplus water power at the Government reservoir dam at the headwaters of the Mississippi, and this bill was referred to the Committee on Interstate and Foreign Commerce. It should have gone to the Committee on Rivers and Harbors, and I ask unanimous consent for that change of reference.

The SPEAKER. Why should it go to the Committee on Rivers and Harbors?

Mr. MILLER of Minnesota. I find that the Committee on Rivers and Harbors has always acted upon that class of legislation.

The SPEAKER. Is there objection to the change of reference?

Mr. ADAMSON. Reserving the right to object, I think the gentleman is entirely mistaken. The bill is where it belongs.

The SPEAKER. Does the gentleman from Georgia object?

Mr. ADAMSON. Yes.

FISHERIES OF ALASKA.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from California [Mr. RAKER] will take the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title of the bill.

Mr. ALEXANDER. Mr. Chairman, I understand that under the rule the proponents of the bill will control one half of the

time and those opposed to the bill will control the other half, and the general debate is limited to two hours.

The CHAIRMAN. That is the understanding of the Chair.

Mr. WICKERSHAM. Mr. Chairman, I would like to have a little more time than is provided for under the rule if the House will consent to it. I do not think that is time enough to present the matter fully in general debate.

Mr. MANN. It is too late to raise that question in the committee; the gentleman may get an extension of time under the five-minute rule.

Mr. ALEXANDER. Mr. Chairman, this bill, or rather the bill for which this bill is a substitute, was prepared in the Department of Commerce. Bills covering the subject matter of this bill have been introduced in previous Congresses and have been referred to different committees. One bill, which I understand was the counterpart of the bill I introduced at the suggestion of the department in this Congress, was introduced in the last Congress and referred to the Committee on Ways and Means; another to the Committee on the Territories. I introduced the bill for which this is a substitute in this Congress, and it was referred, and I think properly so, to the Committee on the Merchant Marine and Fisheries. In April and May I gave out statements to the effect that all those interested in this legislation, either for or against it, would be given ample opportunity to be heard, and that the hearings would begin, if possible, in May, at a time to suit their convenience.

The hearings on the bill began on the 25th of May and were concluded, I think, on the 15th day of June. The Secretary of Commerce; the Commissioner of Fisheries; Dr. BOWERS, of the Bureau of Fisheries; Judge WICKERSHAM, the Delegate from Alaska; and the representatives of the fisheries on the Alaskan coast were heard by the committee. After the hearings were concluded the bill was referred to a subcommittee, of which I was chairman, and the gentleman from Texas, Mr. HARDY; the gentleman from Wisconsin, Mr. BURKE; the gentleman from Virginia, Mr. SAUNDERS; the gentleman from Pennsylvania, Mr. EDMONDS; the gentleman from California, Mr. CURRY; and the gentleman from Washington, Mr. HADLEY, were members. The subcommittee considered the bill at length, covering two months, and then reported it to the full committee, and it was considered by the full committee, and it was reported to the House on the 29th of August.

Those who have read my report on the bill will get a very fair notion of its provisions. It is not my purpose at this time to discuss the bill at length, as I hope to secure its consideration and passage to-day; but when we consider it under the five-minute rule, we can consider it more intelligently than under a brief general comprehensive statement. Now, Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, and to print in the RECORD my report as a part of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The report is as follows:

A bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes.

Be it enacted, etc., That it shall be unlawful for any person to engage in the business of canning, curing, preserving, packing, or otherwise dealing in wholesale in food fish, shellfish, or the products thereof, or manufacturing fishery products in the Territory of Alaska, or in any of the waters of Alaska without first obtaining a license for each establishment or works used in such business.

It shall be unlawful for any person engaged in the business of taking, catching, or fishing for food fish or shellfish in any of the waters of Alaska to use for such purposes any fishing appliance specified in section 2 without first obtaining a license for such appliance.

This section shall not require a license for the taking of food fish or shellfish for personal, domestic, or family use, and not for sale or barter, when not otherwise unlawful to take the same, or for conducting retail trade in fish or fishery products.

Sec. 2. License fees and taxes: That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees:

For each canning, mild-curing, salting, smoking, fish-freezing, whaling, or other wholesale fish-dealing establishment, for each fish fertilizer and fish oil works, and for each other fishery establishment, except retail markets, not herein specified, \$5; for each pound net, \$50; for each fish wheel, \$25 (except small wheels in the Yukon and Copper Rivers of the type heretofore used, \$2); for each purse seine, \$25; for each beam trawl or other trawl net, \$10; for each gill-net boat and equipment, \$2; for each stake net, \$2; for each set net, \$1; for each drag, haul, or beach seine 500 feet or less in length, \$3, and for each additional 500 feet in length or fraction thereof, \$5; for any other kind of fishing appliance used in taking food fish or shellfish, each, \$1.

Every persons engaged in the business of canning salmon or other food fish or shellfish shall, by December 31 of each year, also pay a tax on the output for such year as follows, according to species: King, chinook, or spring salmon, and red, sockeye, or blueback salmon, 6 cents per case; coho, silver, or medium red salmon, and steelhead salmon or steelhead trout, 5 cents per case; chum or keta salmon, and humpback or pink salmon, 4 cents per case; all other food fish or shellfish, 4 cents per case.

Every person engaged in the business of curing or preserving fish, or manufacturing fishery products, except by canning, shall, by December 31 of each year, also pay a tax on the output for such year, as follows: Mild-cured salmon, \$1 per tierce; pickled salmon, 20 cents per barrel; salt salmon in bulk, 5 cents per hundred pounds; salmon and trout frozen, iced, or otherwise preserved and not hereinbefore specified, \$1 per ton, round weight; whale or fish oil, 10 cents per barrel; fertilizer or meal made from whales, fish, or aquatic products, other than kelp, 50 cents per ton; salt cod, 50 cents per ton; pickled herring, 10 cents per barrel; salt herring in bulk or otherwise, 25 cents per ton; all other prepared products not hereinbefore specified, 25 cents per ton.

PROTECTION, ETC., OF THE FISHERIES OF ALASKA.

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Sec. 3. Licenses fees and taxes, how collected: That all license fees and taxes under this act shall be payable to and collected by the Secretary of Commerce or his authorized agents, and all taxes if not paid when due shall thereupon become delinquent, and shall draw interest thereafter at the rate of 1 per cent per month until paid. All such delinquent taxes and the interest thereon shall be a lien in favor of the United States upon all property and rights to property belonging to the person liable for such tax and situated within the Territory of Alaska, and shall be collected by the Secretary of Commerce or his authorized agents by distraint or otherwise in the same manner as other taxes are authorized to be collected by the Commissioner of Internal Revenue or any collector or deputy collector of internal revenue.

Sec. 4. Disposition of license fees and taxes: That all the license fees and taxes collected in money under this act shall be covered into the Treasury of the United States. Two-thirds of the receipts therefrom in each year shall be annually appropriated for distribution in the following manner: An amount equivalent to the license fees and taxes collected under this act on any business carried on within the limits of any incorporated town shall be paid to the treasurer of such town, to be used for school and municipal purposes within the town, and the remainder of such two-thirds shall be expended in the manner provided by the act creating the Alaska fund and acts amendatory thereof.

The remaining one-third of the receipts from such license fees and taxes shall be placed in a fund to be known as the Alaska fisheries fund, which fund is hereby created, and the moneys in such fund shall be held subject to appropriation from time to time by Congress for the construction, purchase, maintenance, and operation of fish hatcheries in Alaska and for the investigation, development, preservation, conservation, and administration of the fisheries of Alaska.

Sec. 5. Licenses, form, renewal, and transfer: That all licenses and renewals thereof shall be designated by consecutive numbers and shall indicate the kind of the particular appliance or the nature of the business for which the license is issued and the name of the person owning the same. The licensee of each fixed fishing appliance shall keep conspicuously affixed thereto a tag, brand, or notice showing, in black figures at least 6 inches in height upon a white ground, the license number for such appliance. The licensee of each movable fishing appliance or set net shall keep conspicuously affixed thereto, in the manner prescribed by the Secretary of Commerce, the license number for such net or appliance, and shall also keep conspicuously affixed upon both sides of the bow of each boat or vessel used in operating such appliance or net a tag, brand, or notice showing, in figures at least 6 inches in height, either dark upon a light ground or light upon a dark ground, the license numbers for such appliances or nets. All licenses shall expire on the 31st day of December of the calendar year for which issued.

Any license may be transferred or assigned to any person entitled to hold a license under the provisions of this act, and notice shall be given of such transfer or assignment within 90 days from the date thereof to the Secretary of Commerce, who shall cause the date of such notice to be noted on the department records and cause the fact to be indorsed on the license. If such notice is not given, the transfer or assignment shall be void.

Sec. 6. Fixed net locations: That any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska, shall cause such location to be accurately surveyed by a competent surveyor, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause three maps to be made of such location from the actual survey thereof, which shall contain a plat and description of such fishing location sufficient for its ascertainment and identification on the premises. Such maps shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held, or the fact that application has been made therefor. Such maps, with the certificates thereon, shall be filed in the office of the commissioner of records in the district wherein the location is situated, which commissioner shall indorse thereon the hour and date of filing, and shall forward one of these maps to the Secretary of Commerce and another to the Pacific coast office of the Bureau of Fisheries. From and after the date of filing in the office of the commissioner of records such map shall constitute full and complete notice that the locator has complied with all the provisions of this act in regard to such location, and that such location is owned, held, occupied, and claimed by the person designated thereon as the claimant.

Locations for stake nets in the waters of Alaska may be made by erecting a permanent monument near or driving a pile on the location claimed, upon which shall be posted the number of the license under which such net is operated.

Locations for set nets in the waters of Alaska may be made by erecting a permanent monument near or securely anchoring a buoy on the location claimed, upon which shall be posted the number of the license under which such net is operated.

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license, as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

If any person (a) lawfully occupies and actually operates a pound-net location during the active fishing season next preceding the time when this act takes effect and also files, before January 1 of the year next after the time when this act takes effect and in the manner here-

tofore provided, a map or plat of the location, or (b) has, prior to the time when this act takes effect, filed a map or plat of any pound-net location with the Secretary of Commerce and a commissioner of records in the district in which such location is situated, such person shall have a right to such location valid under this act and prior to any right otherwise obtainable under this act, but a right acquired under clause (a) shall be superior to a right acquired under clause (b).

Any location acquired under the provisions of clause (a) or (b) may be continued in accordance with the law as to passageways in force at the time this act takes effect, or may be changed to conform to the requirements of this act in respect thereto, but if such change is made a new map shall be filed, and no change shall be made which interferes with another then existing location.

Each commissioner of records and the Secretary of Commerce shall keep an index of all maps or plats filed with him, showing the hour and date of filing, the names of claimants, and the serial number of the maps or plats in the order filed, all of which shall be indorsed on them when filed.

The failure to renew the license or to have made lawful application therefor for any pound net, fish wheel, or other fixed appliance on any location valid under this act in any of the waters of Alaska on or before the 1st day of January of any year, or the failure of a licensee to construct and operate any such appliance in a bona fide manner for two consecutive years, shall constitute abandonment of the location. The failure of a licensee to construct and operate any set net on any location valid under this act in a bona fide manner for any year shall constitute abandonment of the location.

Sec. 7. Nets, how constructed: That no lead of any pound net in the waters of Alaska shall exceed 3,000 feet in length, and there shall be an end passageway of at least 600 feet and a lateral passageway of at least 2,400 feet between pound nets and an end passageway of at least 600 feet and a lateral passageway of at least 1,000 feet between a pound net and a stake net or set net. The lead of any pound net may be extended to high-water mark on the tidelands owned by the United States or on other tidelands with the consent of the owners thereof.

No supplementary wing or jigger of a pound net shall be of greater length than 300 feet, measured over all, nor shall the outer end thereof approach within 100 feet of the lead of such pound net. Not more than one wing or jigger shall be attached to each side of the heart of any pound net.

No stake net shall be constructed in any other manner than by stakes driven in substantially a straight line, nor shall it be in the form of a pound net or with hearts or pots connected therewith, nor shall it exceed 1,000 feet in length. There shall be an end passageway of at least 300 feet and a lateral passageway of at least 1,000 feet between stake nets and between a stake net and a set net: *Provided*, That the restrictions as to distance intervals between stake nets shall not be construed to apply to the use by the native Indians of stake nets not over 50 yards in length to take salmon for domestic consumption and not for sale.

There shall be an end passageway of at least 100 feet and a lateral passageway of at least 300 feet between set nets. A set net is not a fixed appliance within the meaning of this act.

For the purpose of determining passageways, base lines shall be drawn at right angles to the general course of locations and shall pass through the ends of the locations; the end passageways shall be measured at right angles to such base lines, and the lateral passageways shall be measured parallel with such base lines.

It shall be unlawful to lay or cast any movable fishing appliance within 300 yards of any other movable fishing appliance or within any area in which under this section a set net may not be constructed or maintained: *Provided*, That the restrictions of this section shall not apply to drift gill nets, which by force of the elements may unavoidably and temporarily come within such limits.

It shall be unlawful to erect or maintain any pound net, stake net, or set net within any of the lateral or end passageways as prescribed in this act.

No purse seine shall exceed 1,800 feet in length, and no lead or supplementary piece of net shall be used in connection therewith.

No gill net shall exceed 2,500 feet in length, and no beach seine shall exceed 3,000 feet in length.

Sec. 8. Pound nets, how closed: That throughout the weekly close season prescribed by law each pound net shall be closed by an apron placed across the outer entrance to the heart thereof, which apron shall extend from above the surface of the water to the bottom, and shall be securely connected to the piles on either side of the heart of such pound net, fastened by rings not more than 2 feet apart on taut wires stretched from the top to the bottom of the piles. In addition, throughout said weekly close season, there shall be a V-shaped opening in the lead of such pound nets outside the entrance to the heart adjacent to the apron of at least 10 feet in width at the top and extending below the surface at least 4 feet below low water.

Sec. 9. Where unlawful to fish: That it shall be unlawful to take salmon by any means whatsoever, except by hook and line or by spear or gaff for domestic consumption, and except for the purposes of fish culture or scientific investigation under the direction or with the approval of the Secretary of Commerce, in any waters the width of which is less than 300 feet, or with any fixed appliance in any waters the width of which is less than 500 feet, or by any means except by hook and line or spear or gaff, as aforesaid, within 500 yards outside the mouth of any river less than 500 feet in width at its mouth: *Provided*, That the use of stake nets shall be allowed in the deltas of the Yukon, Copper, Aleck, Setuck, and Ahnklin Rivers and on the flats and in the divides between the Setuck and Ahnklin, and that movable appliances shall be allowed to within 100 yards outside of the mouths of the before-mentioned rivers and the Karluk Rivers. For the purposes of this section, the width of any waters shall be determined by measurements at mean high water at right angles to the trend of such waters, and all measurements of water referred to herein shall be made at mean high water, and the Secretary of Commerce is hereby authorized to determine and indicate by suitable markers, monuments, or notices the mouth of any river or other waters referred to in this act. It shall be unlawful to efface, destroy, or remove, or in any manner interfere with any tag, brand, marker, monument, or notice provided for in this act.

No fishing appliance shall be operated in any waters for a greater distance than one-third the width of such waters: *Provided*, That this shall not apply to any drift gill net which by force of the elements may unavoidably and temporarily exceed such distance.

Sec. 10. Weekly close period: That it shall be unlawful to take, fish for, or kill any salmon, except by hook and line, for sport, or by hook and line or by spear or gaff for domestic consumption, in any of the waters of Alaska, from 6 o'clock p. m. of Friday of each week until 6

o'clock a. m. of the Sunday following, except in the Arctic Ocean and Bering Sea and the waters tributary thereto, Cook Inlet, and the Copper River Delta.

Sec. 11. Closing of waters, how provided: That the Secretary of Commerce may in his discretion set aside any lake or part thereof, or any river or part thereof, or any of the waters outside the mouth of such river for a distance not greater than 500 yards from such mouth, in which fishing may be limited or entirely prohibited, but such power shall be exercised only after a hearing, of which due notice must be given by publication not less than 60 days prior thereto in a newspaper in the district affected; and when the interested parties are known to the Secretary of Commerce they shall be personally notified by notice mailed not less than 60 days previous to such hearing. No order made under this section shall be effective until one calendar year after the same is made.

Any order so made may be rescinded by the Secretary of Commerce, after a hearing as prescribed in this section.

Existing orders of the Secretary of Commerce limiting or prohibiting fishing in certain waters in Alaska, under the provisions of the act of June 26, 1906, shall remain in force until rescinded by the Secretary of Commerce.

Sec. 12. Planting fish unlawful without consent: That it shall be unlawful to liberate, release, implant, or place any fish of any kind or description in any of the waters of Alaska without first obtaining the written consent of the Secretary of Commerce.

Sec. 13. Unlawful to waste food fish or shellfish: That it shall be unlawful for any person to waste any food fish or shellfish taken or caught in any of the waters of Alaska: *Provided*, That waste shall not be deemed a violation of this section when resulting from unavoidable causes.

After three years from the time this act takes effect it shall constitute waste to utilize any food fish, shellfish, or any part thereof, other than the offal or waste thereof, in the manufacture of fertilizer, fish meal, fish oil, or other products not used for human food.

Sec. 14. Use of spears and gaffs unlawful for commercial fishing: It shall be unlawful to take any salmon or other food fish or shellfish by means of a spear or gaff, except for domestic consumption, and it shall be unlawful to purchase for commercial use any salmon or other food fish or shellfish taken by means of a spear or gaff.

Sec. 15. Pollution of water: That it shall be unlawful to place or cause to be placed in any of the waters of Alaska any explosive, poisonous, or deleterious substance whatsoever for the purpose of catching, taking, killing, or injuring fish, or to place or deposit in, or discharge or pass into, or cause to be placed where it may pass into any waters of Alaska, any lime or other caustics, tar, petroleum, asphalt, bitumen, or other carbonaceous materials, oils, acids, or sulphates, or compounds thereof, sawdust, shavings, slabs, edgings, mill or factory refuse, slag, sluicings, tailings, or any other substance injurious to fish, fish fry, or the food of fish, or to the spawn or spawning beds of fishes; and in the case of the substances above expressly enumerated it shall not be necessary to prove that the pollution of the waters by these substances in the particular case in question has actually caused injury to or the death or destruction of any fish, fish fry, spawn, spawning bed, or fish food: *Provided*, That nothing in this section shall be construed to prohibit the proper use of explosives in connection with the construction of buildings or improvements: *Provided further*, That the placing of fish offal or fish waste in the waters shall not be deemed a violation of this section.

Sec. 16. Dams to be provided with fishways: That every dam or other obstruction hereafter erected or placed in any stream shall be provided with a durable and efficient fishway, unless the Secretary of Commerce finds that the maintenance of such fishway is not essential to the conservation of the fisheries of Alaska. The Secretary of Commerce may also require that any dam or other obstruction now existing in any stream shall be provided with such a fishway if he finds it essential to the conservation of such fisheries, in which event such fishway shall be constructed within 60 days after written notice thereof has been served on the owner, his agent, or the person in charge.

Every fishway required by this act shall be maintained in a practical and effective condition according to plans and specifications to be furnished by the Secretary of Commerce upon application, and shall be kept open, unobstructed, and supplied with a sufficient quantity of water to freely admit the passage of fish through the same.

If any person shall fail to construct and maintain any such fishway or to remove such dam or obstruction in a manner satisfactory to the Secretary of Commerce, then within 60 days after written notice thereof shall have been served on the owner, his agent, or the person in charge, such dam or obstruction shall become a public nuisance and the Secretary of Commerce may take possession of it in the name of the United States and destroy it, and no liability shall attach for such destruction; or the Secretary of Commerce may construct a suitable fishway, the actual cost of construction of which shall constitute a lien upon the dam or obstruction, and the owner thereof shall be liable in a civil action to the United States for such cost. No dam or obstruction shall be erected or placed in any stream to a height that in the judgment of the Secretary of Commerce shall make a fishway thereover impracticable, except as hereinafter provided.

In the event that any person desires to construct a dam or obstruction in any stream to a height that will make a fishway thereover impracticable, in the opinion of the Secretary of Commerce, and a fishway would be required by this act, such person shall make application to the Secretary of Commerce for relief from the requirement of such fishway; and the Secretary of Commerce is hereby authorized to grant such relief in his discretion, upon the condition that the person so applying shall convey to the United States a site of the size and dimensions satisfactory to the Secretary of Commerce, at such place as may be selected by the Secretary of Commerce, and the applicant shall erect thereon at his expense a hatchery and hatchery residence, according to plans and specifications to be furnished by the Secretary of Commerce, and shall enter into an agreement with the Secretary of Commerce, secured by a good and sufficient bond, to furnish all water and lights without expense to operate the proposed hatchery; and no such relief shall be granted by the Secretary of Commerce until the person applying for such relief shall have actually conveyed such land to the United States and erected the hatchery and hatchery residence in accordance with such plans and specifications. The provisions of this section shall not apply to cases where dams or obstructions have been heretofore constructed or placed in streams to a height where the construction of a fishery is impracticable.

Sec. 17. Barricades and other obstructions: That it shall be unlawful to erect or maintain any barricade, fence, or other fixed or stationary obstruction, or any fishing appliance other than those lawful under the provisions of this act, except for purposes of fish culture, in any of the waters of Alaska having the purpose or effect of preventing or im-

peding the ascent of fish to their spawning grounds, and the Secretary of Commerce is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed.

SEC. 18. Hatcheries: That the Secretary of Commerce is hereby authorized to purchase, or to acquire by condemnation in the manner in which lands are condemned or appropriated for public use, any and all of the private salmon hatcheries in Alaska which have been heretofore approved under the act entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, the same to be paid for by certificates in such denominations as may be desired by the owners, and such certificates may be used at any time by the owners, their executors, administrators, or assigns for the payment pro tanto of any license fees or taxes under this act.

The exemption from license fees and taxes in favor of the owners of private salmon hatcheries in Alaska, as provided by section 2 of such act approved June 26, 1906, for the release of red and king salmon fry, shall apply to existing hatcheries until the date of their acquisition by the Secretary of Commerce.

SEC. 19. All food fish and shellfish included: That the catching, killing, or utilization of any food fish or shellfish of any kind whatsoever not otherwise specifically provided for in this act shall be subject to the provisions of this act, and the Secretary of Commerce shall have power to authorize the catching, killing, or utilization of any such fish or shellfish, under such regulations as he may prescribe.

SEC. 20. Reports, inspections, and regulations: That every person licensed under this act shall make detailed annual reports to the Secretary of Commerce, on blanks furnished by him, covering all such facts as may be required with respect to the business for which license is issued for the information and use of the Department of Commerce and Congress. Such reports shall be made and sworn to by the licensee or his authorized agent, or, in the case of a corporation, by the president, secretary, or authorized agent thereof, a separate blank being used for each establishment owned or operated by such licensee, and such report shall be forwarded to the Department of Commerce not later than December 31 of each year.

The Secretary of Commerce and his duly authorized agents shall have power to inspect all premises, fishing appliances, and all property used in catching, packing, curing, preparing, or storing food fish or shellfish, or in the fertilizer or whaling industry, and may enter upon any such property at any time for any such purpose.

The Secretary of Commerce is hereby authorized and directed to make and establish such rules and regulations not inconsistent with law as may be necessary for the enforcement of this act and for the proper investigation, inspection, and regulation of the fisheries of Alaska, and to detail from the Department of Commerce a force adequate for the performance of the duties required.

SEC. 21. Compensation for injuries: That the provisions of the act approved May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," shall apply to the employees of the Department of Commerce engaged in the protection and conservation of the fisheries in Alaska: *Provided*, That this section shall not apply to any case arising prior to the time this act takes effect.

SEC. 22. Territorial legislation prohibited: That from and after the passage of this act the Territory of Alaska shall not pass any law that has the effect of repealing, altering, or amending this act, nor shall the Territory of Alaska impose any license fees or taxes upon the business hereinbefore referred to, nor upon the output thereof, nor upon any property, real or personal, used in said business in said Territory, and any such existing statutes heretofore enacted by the Territory of Alaska are hereby expressly disapproved: *Provided*, That the passage of this act shall not affect the validity of any license fees or taxes levied upon such business, or the output thereof, or upon the property, real or personal, used in such business under any law in force prior to the passage of this act, or the right of the Territory of Alaska to sue for and recover the same.

SEC. 23. Violations: how prosecuted: That any violation of this act may be prosecuted in any district court of Alaska or in any district court of the United States in the States of California, Oregon, or Washington.

SEC. 24. Fines and penalties: That any person violating any provision of this act, or any regulation established in pursuance thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment at the discretion of the court. Any vessel or other apparatus or equipment used or employed in violation of any provision of this act, or of any regulation made thereunder, may be seized by order of the court or by order of the Secretary of Commerce and turned over to the United States marshal, and by him held subject to the payment of such fine or fines as may be imposed. A further penalty of not more than \$250 per diem may, at the discretion of the court, be imposed for each day any obstruction unlawful under section 16 is maintained after written notice to remove same has been served by the Secretary of Commerce upon the owner thereof, his agent, or the person in charge.

SEC. 25. Definitions: That for the purposes of this act the following definitions are adopted to apply to the words in question wherever the same are used:

"Person": Any person, firm, partnership, corporation, association, or society.

"Pound net": Any fixed or floating fish trap or similar device constructed of webbing, wire, brush, or other material, and held in place by piles, anchors, or moorings, but excluding small native nets or traps which may be transported in toto by one man;

"Stake net": A gill net attached or affixed to piles or stakes;

"Set net": An anchor gill net;

"Seine": All forms of nets known as seines, stow nets, drag nets, drag bag nets, bag nets, draw nets, reef nets, and dredge nets;

"Salmon": Wherever the word "salmon" occurs in this act it shall be construed to apply to the red, sockeye, or blueback; king, chinook, or spring; coho, silver, or medium red; chum or keta; humpback or pink; and steelhead salmon, or steelhead trout.

"Case": Forty-eight one-pound cans or containers, or their equivalent in weight of other sizes.

"Barrel": Two hundred pounds of fish or 50 gallons of oil.

"Tonne": Eight hundred pounds of fish.

"Ton": Two thousand pounds.

"Waters": All the territorial waters of Alaska, together with all other waters contiguous to Alaska over which the United States has jurisdiction.

"River": Any stream or creek.

"Mean high water": The mean of the lowest and highest high tides.

SEC. 26. Repealing clause: That after this act takes effect the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska," approved June 26, 1906, and all acts or parts of acts of Congress or the Territorial Legislature of Alaska inconsistent with the provisions of this act be, and the same are hereby, repealed, except as otherwise provided in this act.

SEC. 27. Exceptions in favor of natives: That the provisions of section 1, that part of section 2 relating to license fees for fishing appliances, section 10, and section 14 of this act shall not apply to Indians, Aleuts, and Eskimos, except those engaged in catching fish for any canning, mild curing, salting, smoking, fish freezing, or other fish dealing establishment.

SEC. 28. Jurisdiction of War Department over navigable waters not affected: That in so far as this act applies to navigable waters it shall not be construed as modifying or repealing any existing Federal law giving to the Secretary of War authority or jurisdiction over such waters.

SEC. 29. When act takes effect: That this act shall take effect, except as otherwise provided, from and after January 1 of the year next after its passage.

This bill is the consummation of protracted hearings and inquiries, and represents the accumulated experience of 10 years in the administration of the Alaska fisheries under the present law.

The bill is in line with the most advanced State fishery legislation, and in every respect is an improvement over existing law.

New legislation is demanded by changed industrial conditions, by the inadequacy of the present law to afford the necessary protection to the food fishes, and by certain defects in existing law which militate against the efficient regulation of the fisheries.

The purposes sought to be achieved by the bill are threefold:

(1) The conservation and perpetuation of the fisheries of Alaska, so that in the fullness of time they may be transferred to the custody of a great Alaskan Commonwealth. This, in our opinion, is the most important duty devolving on Congress in this connection, and this, we believe, has been accomplished. Without unnecessarily handicapping the fishermen in the prosecution of their calling, the bill throws around the industry numerous safeguards that will have the effect of preventing overfishing and insuring the survival of a reasonable proportion of the annual runs of fish, so that natural production may be maintained.

(2) The orderly regulation and administration of the fisheries, so that the business may be conducted in the most efficient manner. Legitimate fishing is encouraged and protected; unwise or improper methods are prohibited and penalized; and to this end, and to facilitate the enforcement of the law and the administration of the industry, there is provided for the first time a license system, such as has been found desirable or necessary in most of the States and in various foreign countries having important fisheries.

(3) A comparatively large revenue is collected. Part of this is made available for the use of the Territory of Alaska and part is set aside, to be appropriated by Congress for the benefit of the fishing industry of the Territory.

LICENSE REQUIRED FOR APPLIANCES USED IN FISHING.

One of the important new features of the bill is the requirement (sec. 1) that all branches of the industry shall come under a license system. This system is primarily for regulatory purposes; the fact that it yields a revenue is only incidental. The ample experience of various States in the enforcement of fishery legislation clearly indicates the advantages of a license system. The license tax on the major forms of fishing apparatus (such as pound nets and purse seines) is fixed at such a rate as to yield a considerable revenue.

LICENSE FEES AND TAXES, HOW LEVIED.

The chief revenue-producing feature of the bill, however, is that which imposes a tax on the prepared or manufactured products of the fisheries (sec. 2). Under existing law the only articles on which a tax is laid are canned and salted salmon and fish oil and fertilizer; but under this bill every product contributes a share of the revenue; and the tax on canned salmon, the principal item in the fisheries, is increased materially.

The revenue that may be expected from this bill, if enacted into law, on the basis of the operations during the calendar year 1915, when the pack of salmon was 4,500,293 cases, is as follows:

Estimated amount of revenue which would be raised under the provisions of H. R. 11499 upon the basis of Alaska fishery operations in 1915.

License fees on plants: 85 canneries; 15 mild-curing plants; 17 salteries; 6 cold-storage plants; 2 whaling plants, oil, fertilizer; 2 herring plants, oil, fertilizer, fish; 2 by-product plants, oil, fertilizer, fish meal; 19 shore codfish stations;	
total, 148, at \$5.....	\$740

License fees on fishing apparatus:	
284 pound nets, driven and floating, at \$50.....	14,200
281 purse seines, at \$25.....	7,025
2,392 gill nets, at \$2.....	4,784
62 haul seines (average 1,097 feet each), at \$8.....	496
4,420 troll lines for salmon, at \$1.....	4,420
3,613 hand lines for cod, at \$1.....	3,613
1,920 trawl lines for halibut, at \$1.....	1,920
12,972 Total.....	36,458

NOTE.—It is estimated that about 200 small wheels are used in the Yukon River for catching salmon for local consumption and for dog feed. These have not been included in above.

Tax on canned product:	
88,251 cases king or spring salmon, at 6 cents per case.....	\$5,295
1,932,312 cases red or sockeye salmon, at 6 cents per case.....	115,939
124,268 cases coho or silver salmon, at 5 cents per case.....	6,213
479,946 cases chum or keta salmon, at 4 cents per case.....	19,198
1,875,516 cases humpback or pink salmon, at 4 cents per case.....	75,021

Total.....	221,666
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Tax on products prepared otherwise than by canning:	
2,781 tierces mild-cured salmon, at \$1 per tierce	2,781
13,293 barrels pickled salmon, at 20 cents per barrel	2,659
360 tons frozen salmon, at \$1 per ton	360
29,645 barrels whale oil, at 10 cents per barrel	2,965
1,495 tons whale fertilizer, at 50 cents per ton	748
8,956 barrels pickled herring, at 10 cents per barrel	896
3,934 barrels herring oil, at 10 cents per barrel	393
619 tons herring fertilizer, at 50 cents per ton	309
1,453 barrels by-products oil, at 10 cents per barrel	145
781 tons fertilizer and fish meal, at 50 cents per ton	390
7,097 tons salted cod, cod tongues, and stock fish, at 50 cents per ton	3,548
5 tons frozen trout, at \$1 per ton	5
193 cases canned trout, at 4 cents per case	8
194 barrels pickled black cod, at 10 cents per barrel	19
23 tons frozen black cod, at 25 cents per ton	6
4,873 tons fresh halibut, at 25 cents per ton	1,218
2,794 tons frozen halibut, at 25 cents per ton	698
40 tons dretched halibut, at 25 cents per ton	10
Total	17,158
RECAPITULATION.	
License fees on plants	740
License fees on fishing apparatus	36,458
Tax on canned products	221,666
Tax on products prepared otherwise than by canning	17,158
Total	276,022

The taxes on canned products, based on three years' average (1913, 1914, and 1915), are shown by the following table:

56,887 cases king or spring salmon, at 6 cents per case	\$3,413
2,033,062 cases red or sockeye salmon, at 6 cents per case	121,983
119,037 cases coho or silver salmon, at 5 cents per case	5,951
478,261 cases chum or keta salmon, at 4 cents per case	19,130
1,411,482 cases humpback or pink salmon, at 4 cents per case	56,459
Total	206,936

On this basis the tax on canned products would be \$206,936 instead of \$221,666, on the basis of the statistics for the calendar year 1915 shown above, hence the total revenue would be \$14,730 less.

It is also well to keep in mind the hatchery rebates which are to continue until the Government takes over the privately owned hatcheries. Those rebates have amounted to about \$25,000 annually.

Deducting the two items, \$14,730 and \$25,000, from the total estimated revenue of \$276,022 leaves the total revenue under the bill \$236,292.

It is safe to say that the output will increase each year, with a corresponding increase of revenue, and with the taking over of the private hatcheries by the Government the item of \$25,000 on account of hatchery rebates would be eliminated.

DISPOSITION OF LICENSE FEES AND TAXES.

Section 4 provides that all the license fees and taxes collected in money under the act shall be covered into the Treasury of the United States, two-thirds thereof to be distributed as follows:

(a) An amount equivalent to the license fees and taxes collected on any business carried on within the corporate limits of any incorporated town shall be paid to the treasurer of such town to be used for school and municipal purposes;

(b) The remainder of such two-thirds shall be expended in the manner provided by the act creating the Alaska fund and acts amendatory thereof; and

(c) The remaining one-third shall be placed in a fund to be known as the Alaska fisheries fund, subject to appropriation by Congress from time to time for the construction, purchase, maintenance, and operation of fish hatcheries in Alaska, and for the investigation, development, preservation, conservation, and administration of the fisheries of Alaska.

Distributed on this basis, there would have been available in 1915 under items (a) and (b) the sum of \$157,528; and under item (c) the sum of \$78,764.

The average annual expenditures of the bureau on account of Alaska fisheries during this three-year period have been:

For fish-cultural work	\$32,000
For protection of the fisheries	28,000
For scientific and statistical work	500
Total	60,000

Considering the admitted inadequacy of the bureau's present fish-cultural and regulatory activities, the projected purchase of the hatcheries now privately operated and the increased expense that will necessarily be occasioned by the administration of the more elaborate law contained in this bill, the amount available to the bureau thereunder may not suffice unless augmented by additional appropriations out of the National Treasury. Under existing law the entire cost of the regulation and conservation of the fisheries of Alaska is a charge on the National Treasury.

LOCATION AND CONSTRUCTION OF FIXED APPLIANCES.

The committee has given very careful attention to the matter of the location and construction of fixed fishing appliances and has covered this important subject in a comprehensive manner (secs. 6, 7, and 8). It is necessary, for the purpose of orderly regulation of the fisheries, to recognize the right of fishermen using pound nets, stake nets, and other stationary apparatus to control the sites where such apparatus is set. We have been guided in the drafting of this part of the bill by the experience of the States of Washington and Oregon, whose laws have been closely followed, and by the knowledge of the conditions on the Alaskan coast, and we feel that the provisions of the bill are essential for the proper conduct of the business and will not have the effect, as some persons have suggested or feared, of creating a monopoly. To make it clear that the danger of monopoly is remote, it is pertinent to take into consideration that the fixed apparatus which is the most prominent in this connection is the pound net (the monopolistic control of the sites for which is most feared), which is extensively used in many States, particularly on the Pacific coast, in the Great Lakes, and on the Atlantic coast of South Carolina; that the total number employed in Alaska in 1915 was 254, equivalent to about one net to each 90 miles of coast line; that pound nets require peculiar conditions for their successful operation, and the available sites are limited, so that, even if every such site was occupied by a net,

the number would not be such as to make this type predominant or monopolistic. Compared with other parts of the country, the use of pound nets in Alaska is rather unimportant, and with the development of the Alaska fisheries pound nets are playing a less conspicuous rôle every year. The relative catch of salmon with pound nets and other appliances in the three districts of Alaska in 1915 was as follows:

District.	Pound nets.	All other apparatus.	Total.
Southeast Alaska	57	43	100
Central Alaska	52	48	100
Western Alaska	7	93	100

The important subject of stream pollution is covered in a broad way (sec. 15) in an effort to prevent the great destruction of fish life and the wholesale depletion of waters which have occurred in some of the States. All dams and other obstructions to the passage of fish to their spawning grounds are required (sec. 16) to be provided with efficient fishways.

Section 18 abolishes the present system under which the operators of private salmon hatcheries are exempted from taxes in proportion to the number of red or king salmon fry released and provides for the acquisition of the existing private hatcheries by the Government. The hatchery rebate feature of existing law has been much criticized, and the law permits or condones hatchery practices that can not be regarded as efficient in the light of the present knowledge of salmon culture. The committee is of the opinion that while private individuals and corporations may find it advantageous to operate their own hatcheries this practice should no longer be entitled to the preferential treatment accorded under existing law. The great work of aiding nature and of replenishing depleted waters by artificial propagation should devolve on and be conducted by the Government.

REPORTS, INSPECTIONS, AND REGULATIONS.

Persons licensed under the act are required to make detailed annual reports to the Secretary of Commerce covering all facts required with respect to the business for which a license is issued for the information and use of the Department of Commerce and Congress.

The Secretary of Commerce and his duly authorized agents are given power to inspect the premises, fishing appliances, and all property used in catching, packing, curing, preparing, or storing food fish or shellfish, or in the fertilizer or whaling industry, and may enter upon the premises of those engaged in the industry at any time for such purposes. The Secretary of Commerce is authorized to make such rules and regulations not inconsistent with the law as may be necessary for the enforcement of the act and may detail from the Department of Commerce a force adequate for the performance of the duties required.

Employees of the Department of Commerce engaged in the protection and conservation of the fisheries of Alaska may receive compensation for injuries sustained in the course of their employment under the act approved May 30, 1908, entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment."

TERRITORIAL LEGISLATION PROHIBITED.

The bill further provides that from and after the passage of the act the Territory of Alaska shall not pass any law repealing, altering, or amending the act, nor impose any license fees or taxes upon the fishery business covered by the act, or upon the output thereof, or upon any property, real or personal, used in such business in the Territory of Alaska, and any such existing statutes heretofore enacted by the Territory of Alaska are disapproved.

The bill provides, however, that the passage of the act shall not affect the validity of any license fees or taxes levied upon such business or the output thereof, or upon the property, real or personal, used in such business, under any law in force prior to the passage of the act, or right of the Territory of Alaska to sue for and recover the same. It was disclosed at the hearings that the Territorial Legislature of Alaska had passed a law imposing certain license fees and taxes upon the fisheries of Alaska, the validity of which is now being contested in the courts, and the bill expressly reserves to the Territory of Alaska the right to collect such taxes if the validity of the statute under which they are levied is upheld by the courts.

Proper fines and penalties are provided for any violations of the provisions of the act or any of the regulations established in pursuance thereof.

Section 26 provides that after the act takes effect the act of Congress entitled "An act for the protection and regulation of the fisheries of Alaska" approved June 25, 1906, and all acts or parts of acts of Congress or the Territorial Legislature of Alaska inconsistent with the provisions of this act shall be repealed, except as otherwise provided for in the act.

The provisions of section 1, that part of section 2 relating to license fees for fishing appliances, section 10, which provides for weekly close period, and section 14, which makes the use of spears and gaffs unlawful for commercial fishing, shall not apply to Indians, Aleuts, and Eskimos, excepting those engaged in catching fish for any canning, mild curing, salting, smoking, fish freezing, or other fish dealing establishments.

To avoid any possible repeal of existing law relating to navigable waters by implication, or conflict of jurisdiction between the Department of Commerce and the War Department, section 28 of the bill provides "that in so far as this act applies to navigable waters it shall not be construed as modifying or repealing any existing Federal law giving to the Secretary of War authority or jurisdiction over such waters."

The committee held extended hearings on the bill (H. R. 9528) for which this bill is a substitute, and are of opinion that if this bill is enacted into law it will prove of very great benefit to the fisheries of Alaska; that it will not only conserve a food supply of inestimable value, and will provide the revenue for the protection, regulation, and conservation of the fisheries of Alaska, but largely increase the Alaska fund, and that, too, without trouble or expense to the people of Alaska.

Mr. ALEXANDER. This bill provides that it shall be unlawful to fish in waters of Alaska without obtaining a license. That is a new provision of law as applied to the fisheries in Alaska,

Companies canning salmon in Alaska, etc.—Continued.

Names.	Canneries.	Location.	Traps.
Southeast Alaska—Contd.			
Alaska Packers Association.	2	Loring.	17
Alaska Sanitary Packing Co.	1	Wrangell.	25
Anacortes Fisheries Co.	2	Kasaan.	4
Astoria & Puget Sound Canning Co.	1	Shakan.	2
Barnes, F. C., Co.	1	Excursion Inlet.	5
Deep Sea Salmon Co.	1	Lake Bay.	25
Doyhof Fish Products Co.	1	Ford Arm.	25
Fidalgo Island Packing Co.	1	Scow Bay.	2
George Inlet Packing Co.	1	Ketchikan.	5
Harris, P. E., & Co.	1	George Inlet.	1
Hidden Inlet Canning Co.	1	Hawk Inlet.	7
Hoonah Packing Co.	1	Hidden Inlet.	12
Hume, G. W., Co.	1	Hoonah.	12
Karheen Packing Co.	1	Nakat Harbor.	2
Lindenberger Packing Co.	2	Karheen.	2
Myers, Geo. T., & Co.	1	Craig.	1
North Pacific Trading & Packing Co.	1	Roe Point.	16
		Chatham.	6
		Klawak.	1
Northwestern Fisheries Co.			
	4	Dundas Bay.	5
		Hunter Bay.	1
		Quadra.	1
		Santa Ana.	61
		Excursion Inlet.	18
		Petersburg.	3
		Pillar Bay.	2
		Point Ward.	4
		Pure Food Fish Co.	1
		Ketchikan.	1
		Sanborn-Crane Co.	6
		Sanborn-Cutting Co.	3
		Starr-Collinson Packing Co.	3
		Straits Packing Co.	1
		Sunny Point Packing Co.	1
		Swift-Arthur-Crosby Co.	1
		Heeta Island.	1
		Taku Canning & Cold Storage Co.	10
		Tee Harbor.	6
		Thlinket Packing Co.	17
		Ward Cove Packing Co.	1
		Wiese Packing Co.	2
		Yakutat & Southern Railway Co.	1
Central Alaska:			
Alaska Packers Association.	4	Alitak.	2
		Chignik.	3
		Larsen Bay.	14
		Kasllof.	3
		Cordova.	3
		Chignik.	3
		Abercrombie.	2
		Knik Arm.	2
		Port Graham.	5
		Kodiak.	1
		Kenai.	15
		Chignik.	3
		Kenai.	12
		Orca.	8
		Uyak.	8
		King Cove.	8
		Seldovia.	7
Western Alaska:			
Alaska Fishermen's Packing Co.	1	Nushagak.	1
		Kvichak River (2).	8
		Naknek River (3).	5
		Nushagak Bay (2).	5
		Ugavuk River.	3
		Nushagak Bay.	3
		Wood River.	1
		Kvichak Bay.	1
		Nushagak Bay.	1
		Kotzebue Sound.	1
		Naknek River.	1
		Nelson Lagoon.	4
		Co.	1
		Kvichak River (2).	4
		Nushagak Bay.	1
		Ugavuk River.	1
		Nushagak.	1
		Port Moller.	2
		Ugavuk River.	1

15 floating. *4 floating. *1 floating. *2 floating. *3 floating. * All floating.

CANNERIES NOT OPERATED IN 1915.

Three canneries in southeast Alaska were not operated in 1915, as follows:

Hoonah Packing Co.	Gambier Bay
Metlakatla Industrial Co.	Metlakatla
St. Elias Packing Co.	Dry Bay

SALMON CATCH AND FORMS OF GEAR.

There were in operation in southeast Alaska in the salmon-canning industry 137 driven and 48 floating traps, or a total of 185 traps; while in central Alaska there were 84 driven traps and in western Alaska 15 driven traps; this makes a total of 236 driven and 48 floating traps, or a grand total of 284 traps operated in the commercial fishery of Alaska in 1915. In 1914 the total number of traps in

operation was 252, of which 211 were driven and 41 floating; thus 1915 shows a gain of 25 driven and 7 floating traps, or a total increase of 32 traps over 1914. By geographical sections the gains in 1915 were 7 floating traps in southeast Alaska, 24 driven traps in central Alaska, and 2 driven traps in western Alaska, while there was a decrease of 1 driven trap in southeast Alaska.

In 1915 the total number of purse and haul seines operated in the salmon industry of Alaska was 361 as against 336 the previous year. This gain of 25 seines for 1915 occurred almost wholly in southeast Alaska.

Of the total catch of salmon in Alaska in 1915, the proportion taken in traps was 42 per cent, by seines 29 per cent, by gill nets 27 per cent, and less than 1 per cent by lines and dip nets. By way of comparison it may be noted that in the previous year the trap catch was 31 per cent, the seine catch was 27 per cent, the gill-net catch was 41 per cent, and the proportion by lines and dip nets practically the same as in 1915. The most notable feature of this is a decrease in 1915 of 14 per cent in the proportionate gill-net catch, which must be accounted for by reason of the lessened run of salmon in western Alaska where the catch is chiefly by gill nets. This proportionate decrease was offset by a proportionate increase of over 11 per cent caught by traps and more than 2 per cent in seines. The following table shows the proportionate catches by districts by the three principal forms of apparatus:

Percentage of salmon caught in each district by principal forms of gear.

Apparatus.	Southeast Alaska.		Central Alaska.		Western Alaska.	
	1914	1915	1914	1915	1914	1915
	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.	Per cent.
Seines	47	39	36	32	4	6
Traps	48	57	56	52	4	7
Gill nets	3	3	8	15	92	86

The total catch of salmon of all species in the commercial fishery of Alaska in 1915 numbered 63,537,244 as against 54,615,915 in 1914, a gain of 8,921,329. In southeast Alaska there was an increase of about 15,000,000 salmon, but this was offset by decreases of more than 1,000,000 in central and about 5,000,000 in western Alaska as compared with 1914. In 1915 there were gains of approximately 14,200,000 humpback, 110,000 king, and 13,000 coho salmon, while the number of reds decreased 3,950,000 and chums fell off 1,450,000.

Salmon taken in 1915, by species and apparatus, for each geographic section of Alaska.

Apparatus and species.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Seines:				
Coho, or silver.	Number. 342,038	Number. 58,249	Number. 186	Number. 222,287
Chum, or keta.	2,159,904	191,777	186	2,351,867
Humpback, or pink.	11,542,551	719,943	12,262,494	12,262,494
King, or spring.	11,436	239	5,343	17,718
Red, or sockeye.	930,434	1,551,093	1,225,832	3,707,359
Total	14,878,363	2,522,001	1,231,361	18,631,725
Gill nets:				
Coho, or silver.	214,310	71,719	99,225	385,254
Chum, or keta.	48,618	102	539,591	588,311
Humpback, or pink.	97,800	1,134	37,000	135,934
King, or spring.	77,631	37,827	140,974	256,432
Red, or sockeye.	483,682	1,077,705	14,561,820	16,123,207
Total	922,041	1,188,487	15,378,610	17,489,138
Traps:				
Coho, or silver.	392,632	159,362	24,050	576,044
Chum, or keta.	1,416,989	256,451	205,890	1,879,330
Humpback, or pink.	18,308,532	189,434	18,497,966	18,497,966
King, or spring.	22,903	57,027	27,960	107,890
Red, or sockeye.	1,419,807	3,443,112	994,016	5,856,935
Total	21,590,863	4,105,386	1,251,916	26,948,165
Lines:				
Coho, or silver.	77,999			77,999
King, or spring.	226,853			226,853
Total	304,852			304,852
Dip nets:				
King, or spring.		2,054		2,054
Red, or sockeye.		191,310		191,310
Total		193,364		193,364
Total:				
Coho, or silver.	918,979	289,330	123,275	1,331,584
Chum, or keta.	3,625,511	448,330	745,667	4,819,508
Humpback, or pink.	29,948,883	910,511	37,000	30,896,394
King, or spring.	338,823	97,847	174,277	610,947
Red, or sockeye.	2,833,923	6,263,220	16,781,668	25,878,811
Grand total	37,666,119	8,009,238	17,861,887	63,537,244

STATISTICS.

The number of canneries in operation in Alaska in 1915 was 85, as compared with 81 in 1914. The total investment increased from \$30,830,435 in 1914 to \$31,282,325 in 1915. This increase was chiefly in central and western Alaska.

The number of persons employed in canning operations in 1914 was 16,307, and in 1915 the number was 17,741, an increase of 1,434 persons. Gains were shown in all three districts. The most notable feature was the increase of 598 Indians over 1914. The total number of Indians

employed in 1915 in the salmon canning industry was 4,325. There were smaller gains in 1915 in the number of whites, Chinese, and Japanese engaged in this industry.

In 1914 the pack of canned salmon was 4,056,653 cases, valued at \$18,920,589, while in 1915 it was 4,500,293, valued at \$18,653,015, an increase of 443,640 cases, but a decrease of \$267,574 in value. This seeming anomaly is accounted for by reason of the much larger pack of lower-priced fish in 1915. By sections the case-pack comparison is as follows: Southeast Alaska advanced from 1,776,075 to 2,549,212 cases, an increase of 773,137 cases; central Alaska declined from 658,791 to 632,848 cases, a decrease of 25,943 cases; while in western Alaska there was a decline from 1,621,787 to 1,318,233 cases, a decrease of 303,554 cases from the 1914 pack in that region. Com-

parisons by species show the following: The pack of cohos declined from 157,063 to 124,268 cases, a decrease of 32,795 cases; chums declined from 663,859 to 479,946 cases, a decrease of 183,913 cases; and reds declined from 2,201,643 to 1,932,312 cases, a decrease of 269,331 cases in 1915. Humpbacks went up from 986,049 to 1,875,516 cases, an advance of 889,467 cases; and kings increased from 48,039 to 88,251, a gain of 40,212 cases in 1915. The net increase for all species in 1915 was 443,640 cases.

The pack of salmon in 1915 is the largest in the history of Alaska, exceeding the previous record of 1914 by 443,640 cases, but, as above mentioned, the 1915 pack was \$267,574 less in value because of the smaller production of the higher priced red salmon and the greatly increased pack of the less valuable humpbacks.

Investment in salmon-canning industry in 1915.

Items.	Southeast Alaska.		Central Alaska.		Western Alaska.		Total.	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.
Canneries operated.....	45	\$3,699,069	17	\$1,612,984	23	\$3,158,048	85	\$8,470,101
Working capital.....		4,221,500		1,953,046		5,981,997		12,156,543
Wages paid.....		2,095,221		927,368		2,321,412		5,354,001
Vessels:								
Power vessels over 5 tons.....	122	651,210	38	410,711	52	688,604	212	1,750,525
Net tonnage.....	2,456		1,315		4,110		7,881	
Launches under 5 tons.....	41	42,636	25	31,396	28	85,553	94	159,585
Sailing.....	7	174,700	11	401,272	36	816,035	54	1,392,007
Net tonnage.....	9,081		19,242		49,164		77,487	
Boats, sail and row.....	772	63,832	478	44,646	1,077	250,010	2,327	348,488
Lighters, scows, house boats.....	271	127,270	171	103,713	158	168,348	600	399,331
Pile drivers.....	38	113,126	31	84,298	20	41,300	89	238,724
Apparatus:								
Haul seines.....	18	2,118	37	12,655	7	16,226	62	30,999
Fathoms.....	1,413		8,181		1,750		11,344	
Purse seines.....	270	100,333	11	5,500			281	105,833
Fathoms.....	54,948		3,666				58,614	
Gill nets.....	123	13,406	444	16,535	1,825	179,868	2,392	209,809
Fathoms.....	16,750		19,111		252,875		288,736	
Traps driven.....	137	377,318	84	170,255	15	22,261	236	569,834
Traps floating.....	48	96,545					48	96,545
Total.....		11,768,284		5,774,379		13,739,662		31,282,325

Persons engaged in the salmon-canning industry in 1915.

Occupations and races.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Fishermen:				
Whites.....	777	798	2,388	3,963
Indians.....	1,310	292	166	1,768
Chinese.....				
Japanese.....	1			1
Miscellaneous ¹	15			15
Total.....	2,103	1,090	2,554	5,747
Shoresmen:				
Whites.....	1,063	465	1,257	2,785
Indians.....	1,657	356	529	2,542
Chinese.....	953	396	841	2,190
Japanese.....	765	332	456	1,553
Miscellaneous ¹	452	281	1,604	2,337
Total.....	4,890	1,830	4,687	11,407

¹ Filipinos, Mexicans, Negroes, Porto Ricans, etc.

Persons engaged in the salmon-canning industry in 1915—Continued.

Occupations and races.	Southeast Alaska.	Central Alaska.	Western Alaska.	Total.
Transporters:				
Whites.....	271	108	192	571
Indians.....	6	9		15
Chinese.....				
Japanese.....		1		1
Miscellaneous ¹				
Total.....	277	118	192	587
Grand total:				
Whites.....	2,111	1,371	3,837	7,319
Indians.....	2,973	657	695	4,325
Chinese.....	953	396	841	2,190
Japanese.....	766	333	456	1,555
Miscellaneous ¹	467	281	1,604	2,352
Total.....	7,270	3,038	7,433	17,741

¹ Filipinos, Mexicans, Negroes, Porto Ricans, etc.

Output of canned salmon in 1915.¹

Product.	Southeast Alaska.		Central Alaska.		Western Alaska.		Total.	
	Cases.	Value.	Cases.	Value.	Cases.	Value.	Cases.	Value.
Coho, or silver:								
1-pound flat.....	2,050	\$11,639					2,050	\$11,639
1-pound flat.....	613	3,188	1,725	\$7,795			2,338	10,933
1-pound tall.....	87,636	371,539	21,839	96,252	10,405	\$45,711	119,880	513,502
Total.....	90,299	386,366	23,564	104,047	10,405	45,711	124,268	536,124
Chum, or keta:								
1-pound flat.....	229	733	88	264			317	997
1-pound tall.....	373,100	966,581	39,318	102,086	67,211	173,657	479,629	1,242,324
Total.....	373,329	967,314	39,406	102,350	67,211	173,657	479,946	1,243,321
Humpback, or pink:								
1-pound flat.....	4,325	19,451					4,325	19,451
1-pound flat.....	3,508	11,927					3,508	11,927
1-pound tall.....	1,812,358	5,043,238	46,479	119,649	8,846	22,938	1,867,683	5,185,825
Total.....	1,820,191	5,074,616	46,479	119,649	8,846	22,938	1,875,516	5,217,203
King, or spring:								
1-pound flat.....	100	600			2,304	12,902	2,404	13,502*
1-pound flat.....	40	208	986	4,902	2,729	16,854	3,755	21,964
1-pound tall.....	27,303	123,217	22,179	97,177	32,610	152,406	82,092	372,803
Total.....	27,443	124,025	23,165	102,079	37,643	182,162	88,251	408,266
Red, or sockeye:								
1-pound flat.....	25,302	222,457	11,183	96,849	15,548	122,976	52,033	442,282
1-pound flat.....	38,054	248,017	35,946	247,560	88,847	205,012	112,847	760,589
1-pound tall.....	174,594	971,042	453,105	2,614,800	1,187,440	6,452,950	1,765,139	10,068,782
1½-pound nominals.....					2,293	6,438	2,293	6,438
Total.....	237,950	1,441,516	500,234	2,959,209	1,194,128	6,847,876	1,932,312	11,248,101
Grand total.....	2,549,212	7,993,837	632,848	3,387,334	1,318,233	7,271,844	4,500,293	18,653,015

¹ Cases containing 1-pound cans have been reduced one-half in number and those containing 1½-pound cans have been increased one-half in number. Thus, for the purpose of affording fair comparison, all are put upon the basis of forty-eight 1-pound cans per case.

Output of canned salmon, 1908 to 1915.¹

Products.	1909	1910	1911	1912	1913	1914	1915	Total.
Coho, or silver:	Cases.	Cases.	Cases.	Cases.	Cases.	Cases.	Cases.	Cases.
1-pound flat.....	163	163	1,574	2,719	3,587	4,579	2,050	14,672
1-pound flat.....	1,206	2,249	1,075	17	266	285	2,338	7,436
1-pound tall.....	55,350	111,614	131,259	163,462	71,926	152,199	119,880	805,690
Total.....	56,556	114,026	133,908	166,198	75,779	157,063	124,268	827,798
Chum, or keta:								
1-pound flat.....			7,245	2,795	985	373		4,153
1-pound flat.....			316,550	661,838	2,619	5,536	317	15,749
1-pound tall.....	120,712	254,218			287,314	657,918	479,629	2,778,179
Total.....	120,712	254,218	323,795	664,633	290,918	663,859	479,946	2,798,081
Humpback, or pink:								
1-pound flat.....		3,188	4,836	13,712	20,822	2,103	4,325	48,986
1-pound flat.....		7,900	9,437		3,258	9,286	3,508	33,389
1-pound tall.....	464,873	543,233	991,005	1,266,426	1,348,801	974,660	1,867,683	7,456,681
Total.....	464,873	554,321	1,005,278	1,280,138	1,372,881	986,049	1,875,516	7,539,056
King, or spring:								
1-pound flat.....		54	67	5,151	1,585	3,143	2,404	12,404
1-pound flat.....						4,804	3,755	8,559
1-pound tall.....	48,034	40,167	45,451	38,166	32,785	40,092	82,092	326,787
Total.....	48,034	40,221	45,518	43,317	34,370	48,039	88,251	347,750
Red, or sockeye:								
1-pound flat.....	8,193	22,320	13,601	28,024	29,041	53,825	52,033	207,037
1-pound flat.....	85,193	39,941	4,967	16,242	11,735	64,671	112,847	335,596
1-pound tall.....	1,611,916	1,388,006	1,296,750	1,856,089	1,924,461	2,083,147	1,765,139	11,925,508
1-pound nominal.....							2,293	2,293
Total.....	1,705,302	1,450,267	1,315,318	1,900,355	1,965,237	2,201,643	1,932,312	12,470,434
Grand total.....	2,395,477	2,413,053	2,823,817	4,054,641	3,739,185	4,056,653	4,500,293	23,983,119

¹ The number of cases shown has been put upon the common basis of forty-eight 1-pound cans to the case.

Average annual price per case of forty-eight 1-pound cans of salmon, 1905 to 1915.

Products.	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915
Coho, or silver.....	\$3.20	\$3.63	\$3.91	\$3.98	\$4.07	\$4.89	\$5.67	\$4.44	\$3.45	\$4.39	\$4.31
Chum, or keta.....	2.69	2.87	2.97	2.53	2.28	3.04	3.72	2.37	2.21	3.37	2.59
Humpback, or pink.....	2.95	3.00	3.16	2.69	2.40	3.15	3.94	2.55	2.58	3.50	2.78
King, or spring.....	3.28	3.78	4.18	4.20	4.32	5.34	6.48	5.37	4.04	5.01	4.63
Red, or sockeye.....	3.38	3.77	4.59	4.52	4.53	5.30	6.33	5.45	4.54	5.58	5.82

The Legislature of the Territory of Alaska, under the provisions of the enabling act of August 24, 1912, passed a law taxing this industry in addition to the taxes already provided for and levied under the act of June 26, 1906. The power of the Legislature of the Territory of Alaska to do so was challenged by the fishing interests of Alaska, but the power has been upheld by the district court of Alaska; also by the United States circuit court of appeals. This bill, however, undertakes to take over and vest in the Federal Government the exclusive power to tax this industry and avoid this dual taxation. At the same time this bill provides ampler revenue than that which would be provided under the present law, Federal and Territorial. The committee did not think it good policy to give the Federal Government the right to tax in part and the Territory the power to license and tax in part. Either the whole power should be vested in the Territory of Alaska or in the General Government. Either the General Government should continue its control over the industry in Alaska or it should be given over to the Territory. It has been the policy of Congress thus far to retain control over this great industry, because the output of the fisheries of Alaska is a national asset. It is a large and essential part of the food supply of the Nation, and the output is largely absorbed in the States.

The bill does not require a license for the taking of food fish or shellfish for personal, domestic, or family use, or for conducting retail trade in fish or fishery products in Alaska.

There has never been any disposition on the part of Congress to do anything unfriendly to the local interests in Alaska. Alaska has a population of about 50,000 people, scattered over a vast territory, and that part of the population located immediately upon the coast of Alaska is directly interested in this industry. Under existing law the Territory of Alaska has the right to levy a tax not exceeding 1 cent on real and personal property in the Territory of Alaska; but it has never been found practicable to exercise that right, for the reason that the property, real and personal, that would be subject to taxation is so scattered that to enact revenue laws and undertake to put them into effect, to assess and collect the revenue, would cost from 60 to 75 per cent of the revenue which would be realized.

Therefore, that power has never been exercised by the Territory of Alaska.

We provide for the disposition of the license fees and taxes. We provide that one-third shall go into the National Treasury, to be used for the inspection and conservation of the fisheries in Alaska, including the maintenance of fish hatcheries in Alaska. We provide that two-thirds shall go to the Territory of Alaska. Such part as originates in the towns where the canneries are located shall go to the towns for school and municipal purposes. The balance we provide shall go into the Alaska fund for the construction of good roads and for other Territorial purposes. We also provide in the bill for fixed net locations, pound nets, stake nets, and other fixed appliances, and for their regulation. Also, where it shall be unlawful to fish. We provide for weekly close periods, having in view the purpose of giving the largest opportunity for the fish to go to the spawning grounds. Hence we provide that in waters the width of which is less than 300 feet it shall be unlawful to take salmon by any means whatever, except by hook and line or by spear or gaff for domestic consumption, or for fish culture or scientific investigation, and in streams less than 500 feet in width with any fixed appliance, and in streams more than 500 feet in width they shall not occupy more than one-third of the width of any such stream; nor shall they be within 500 yards of the mouth of any such stream, the purpose being to give the amplest opportunity for the fish to go to the spawning grounds.

We also prohibit the planting of fish without consent, so that no undesirable varieties of fish may be planted in the waters of Alaska and also prohibit the unlawful waste of food or shellfish.

We provide that the use of spears and gaffs shall be unlawful for commercial fishing, but give perfect freedom in the use of these appliances for catching fish for domestic or local purposes, and then we remove all of the limitations upon the natives of Alaska, so far as fishing for domestic purposes is concerned, or for any other purpose except for the canneries.

We provide for fishways in the streams, and prohibit barricades and obstructions, and also that the Government shall take over the private hatcheries either by purchase or condemnation and operate them.

Of course we provide for reports, inspections, and regulations, and we provide—and that is a question that will be discussed more fully when we come to the consideration of the bill under the five-minute rule—that Territorial legislation in conflict with this legislation shall be prohibited. In other words, the bill is drawn upon the theory that so long as this industry remains under the supervision of Congress, Congress shall retain exclusive control.

When the Territory is given statehood, I assume that the industry will be given over to the State; but for the present at least the Government shall retain control. We provide for punishment for violations of the law by suitable fines and penalties, and define the various terms used in the bill, and have a provision expressly providing that the War Department shall retain authority over the navigable streams of the Territory.

Mr. Chairman, I reserve the remainder of my time.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Alaska [Mr. WICKERSHAM], in opposition to the bill.

Mr. KEATING. Mr. Chairman, I wish to get information concerning the division of the time. Is it understood that the opponents of the bill are to have control of the hour in opposition to it?

The CHAIRMAN. Under the rule it is provided that those in favor of the bill are entitled to an hour and those opposed to an hour.

Mr. MANN. The gentleman from Alaska [Mr. WICKERSHAM] has been recognized in opposition.

Mr. KEATING. Do I understand that the gentleman from Alaska controls the time in opposition? If the gentleman from Alaska controls the time, it is satisfactory to me.

Mr. MANN. The gentleman from Massachusetts [Mr. GREENE] did not take the floor, but asked that the gentleman from Alaska be recognized in opposition to the bill.

Mr. KEATING. I misunderstood the situation.

The CHAIRMAN. That was satisfactory to the gentleman from Massachusetts?

Mr. MANN. That was his request.

Mr. GREENE of Massachusetts. To allow the gentleman from Alaska to be recognized in opposition to the bill.

The CHAIRMAN. The gentleman from Alaska is recognized for an hour.

Mr. WICKERSHAM. Mr. Chairman, the fisheries of Alaska constitute the greatest natural food supply which now belongs to the people of the United States, in its natural state. As early as 1888 the canneries were established in the Territory of Alaska, and the salmon of that Territory was canned; and from that day to this the amount of canned salmon put up there has increased from year to year. More than \$325,000,000 in value in food supplies has been taken out of the waters of Alaska up to this time. The output of the fisheries in Alaska for the last year amounted to more than \$20,000,000. It is, I repeat, one of the great natural food supplies belonging to the people of the United States; but, Mr. Chairman, that food supply is now in great danger of utter extermination. This Congress has given too little attention to protecting and preserving it. The canneries have increased, and they have extended into new waters. The trap sites have become so numerous, the methods of catching the fish with all sorts of appliances have become so widespread that now that great food supply is being depleted and about to be destroyed. It is entirely under the jurisdiction of Congress. When the act creating the Legislature of Alaska was passed objection was made to giving the Territorial legislature any jurisdiction over those fisheries, and a limitation was placed in the bill withdrawing all jurisdiction over the fisheries of Alaska from the Territorial legislature or the people of Alaska, except that one jurisdictional grant was made that the legislature might levy an additional license tax upon the output thereof.

So that at this time neither the people of Alaska nor their legislature has any jurisdiction over the fisheries of Alaska except the power of levying an additional tax upon the output thereof. Whether our legislature ever had that power has been a question heretofore, and has been carried through the courts, but was upheld by the final judgment of the United States circuit court of appeals; but in the bill now before the House it is proposed to take away from the people of Alaska that right. So if this bill passes as it is now drawn and reported favorably to this House, it will take away from the people of Alaska and from the legislature every shred of jurisdiction over these fisheries. We will have nothing to say about them. We will not be able to protect them. We will not be able to prevent them from being utterly destroyed. I want to make this perfectly plain to the House, and I want to impress upon the House that it is within your jurisdiction, and your jurisdiction only, to pro-

tect the fisheries in Alaska from monopoly and destruction. Now, they have been canning these fish since 1888. They have canneries at many points along the coast from Ketchikan to Bristol Bay. Wherever there is a great salmon stream there you will find a cannery. There are 146 canneries and similar plants scattered along the coasts of Alaska engaged in putting up fish, and many have been so engaged for many years. Not only is that true, but the number of these canneries has been increased from year to year. The fishing has been extended into new waters. The waters are now being overfished, and great corporations are looking to a movement to eliminate the small fishermen and canners and to secure for three great corporations a control and monopoly of these fisheries. I do not make any question of the good faith of the chairman and members of the Committee on the Merchant Marine and Fisheries. If they knew as much about the situation up there, however, as some of us who have seen these fisheries destroyed, they would have put something in this bill to secure the protection of the fisheries. There is nothing in the bill now before the House which is good which is not already the law.

In 1906 Congress passed a law for the conservation and protection of the fisheries of Alaska. It will be found in the thirty-fourth Statutes at Large, at page 478. It is entitled, "An act for the protection and regulation of the fisheries of Alaska," and it covers in a substantial manner everything which is good that is in the bill now before the House. If Members of the House will read this bill they will say that this or that provision in it is good and ought to be in the bill, but if you will turn to the act of 1906 you will find it there. You will find substantially everything which is for the protection of the salmon in the bill now before the House in the act of 1906. Everything in this bill which is new and which is not in the act of 1906, in my judgment ought not to be the law of Alaska.

Permit me now to call your attention to the value of the investment in the fisheries of Alaska as set out on page 18 of the report of the governor of Alaska for 1916. In reference to the amount invested, he says:

The investment in the fisheries of Alaska in 1915 amounted to \$37,316,360, an increase of \$277,928 over 1914. More than \$31,000,000 of the investment in 1915 was credited to the salmon industry. Of the total investment more than \$16,000,000 was in southeastern Alaska, upward of \$6,000,000 in central Alaska, and in excess of \$14,000,000 in western Alaska.

I want to call your attention now to the enormous investment in these fisheries and the years of time they have been working them to show you this is not a new matter for congressional enactment, but is an old substantial business in Alaska, now arrived at that stage where the fisheries are being depleted, and there is an effort on the part of three great corporations to get a monopoly and control of them. They have had their lobbyists here for the last six years to secure the passage of this bill. They are anxious to secure its passage so that they may push the small canneries out of business and secure for themselves a monopoly. If this bill passes in its present form they will be able to do that.

I want to call attention to the bill itself. I am going to take up two features of this bill only, because they go directly to the question of the attempt of the Chicago Meat Trust and the Booth Fisheries Co. to secure for themselves a monopoly of Alaska fisheries. The first point is the attempt to secure a rebate of all their taxes. Section 2 of this bill provides:

That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees:

For each canning, mild-curing, salting, smoking, fish-freezing, whaling, or other wholesale fish-dealing establishment, for each fish fertilizer and fish oil works, and for each other fishery establishment, except retail markets, not herein specified, \$5.

Now, to be brief about it, this is the sum total of all the payments which is required of one of these great canning or cold-storage establishments on its real property in the Territory of Alaska. It is not required to pay any real-property tax under this bill, and I call attention now to the top of page 4, the last paragraph in section 2:

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Whether that excludes the income tax or the corporation tax I do not know, but it certainly excludes the laying of all Territorial and municipal taxes in the Territory of Alaska. But for fear that it did not—

Mr. ALEXANDER. Will the gentleman yield at this point?

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER. Did the gentleman say the license provided for in this bill is the only tax on the industry in which these so-called trusts are interested?

Mr. WICKERSHAM. I did not.

Mr. ALEXANDER. I understood the gentleman to say it.

Mr. WICKERSHAM. No; the gentleman will not find that in my language. I was very particular to say that that \$5 was all the real-property tax that these corporations would have to pay upon any one of their plants in the Territory of Alaska.

Mr. ALEXANDER. It is not real estate tax at all?

Mr. WICKERSHAM. I know it is not, but that is all they have to pay. They have more than \$10,000,000 worth of real property in the Territory of Alaska, according to the report of the Bureau of Fisheries.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. I want to get the purport of what the gentleman said there. Do I understand him to mean that \$5 is the only tax that these corporations of which he speaks will pay under this bill?

Mr. WICKERSHAM. No; the gentleman does not understand me to say that at all.

Mr. HUMPHREY of Washington. I did understand you to say that.

Mr. WICKERSHAM. Then the gentleman's understanding is at fault and not my language. What I mean is that that \$5 is all the real property tax the New England Fish Co., for example, will pay on its plant at Ketchikan in one year, and is the only amount in the form of real property tax which any other such plant will have to pay in Alaska under this bill.

Mr. HUMPHREY of Washington. Do they pay any other tax for the privilege of fishing there?

Mr. WICKERSHAM. Surely.

Mr. HUMPHREY of Washington. Will you tell us what that is?

Mr. WICKERSHAM. I will when I get to it.

Mr. HUMPHREY of Washington. The gentleman does not mean that \$5 is all these corporations will pay?

Mr. WICKERSHAM. Not at all. I hope the gentleman will not get excited.

Mr. HUMPHREY of Washington. I am not excited; I am trying to find out what the gentleman is trying to say.

Mr. WICKERSHAM. If you will give me an opportunity, I will tell you.

Mr. HUMPHREY of Washington. I will. I will not take it away from you. I think you need it.

Mr. WICKERSHAM. Section 22 of this bill is perfectly clear on this proposition also. It says:

That from and after the passage of this act the Territory of Alaska shall not pass any law that has the effect of repealing, altering, or amending this act, nor shall the Territory of Alaska impose any license fees or taxes upon the business hereinbefore referred to, nor upon the output thereof, nor upon any property, real or personal, used in said business in said Territory, and any such existing statutes heretofore enacted by the Territory of Alaska are hereby expressly disapproved.

So that I repeat, in order that the gentleman from Washington may not misunderstand me, that that means that \$5 is all the real-property tax which any of these great corporations will pay upon \$10,000,000 worth of real property in the Territory of Alaska if this bill passes. Ten million dollars worth of real property at 1 per cent would be \$100,000 per year. The statement added to the report here shows that these great cannery owners will pay \$740 only, instead of \$100,000. In other words, if this bill passes, it is more than \$99,000 in the pockets of these big corporations upon the single proposition of real-property tax in the Territory of Alaska per annum. Talk about giving the people of Alaska an addition of taxes for their use. You actually take away \$99,000 on that item alone.

Mr. ALEXANDER. Will the gentleman yield at that point—

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER (continuing). And tell the House how much real estate tax they pay now, and if under the provisions of this bill they will not pay more in the Territory of Alaska than they do under the existing law?

Mr. WICKERSHAM. I will answer your last question first and say, no.

Mr. ALEXANDER. I say they do.

Mr. WICKERSHAM. I say they do not. I say that you have no right to take away from the people of Alaska their right to levy 1 per cent tax upon this property to the amount of \$100,000 and impose that burden upon the people of the Territory of Alaska.

Mr. ALEXANDER. Will the gentleman yield again at this point?

Mr. WICKERSHAM. No. I hope the gentleman will excuse me. Now, I know what the gentleman wants to ask. He wants to know if we have levied that real-property tax, and I will say, No, we have not.

Mr. ALEXANDER. That is the question I wanted to ask.

Mr. WICKERSHAM. Yes, sir; I was sure of that. The Territory of Alaska is a new Territory. It has only had a legislature now for two sessions. We have not been able to make up a taxing system which will enable us to reach these great interests and tax them, but we intend to do so, and they know it, and they now appeal to this House to protect them and prevent us from securing the proper proportion of real estate tax which they ought to pay under the law which now exists. This bill is worth \$99,000 a year to these big cannery interests if they can only drive it through this House and get it enacted into law. Now, if there is anybody in this House who wants to give the Booth Fishery Co., the Chicago Meat Trust, and the Alaska Packers' Association and their allies \$99,000 per annum, and make the people of Alaska pay that sum in addition to their present tax for maintaining government there, or pay it out of the Government funds, then vote for this bill. If you are in favor of giving the people of Alaska a square deal on the matter of taxation, then do not vote for the bill.

Mr. BENNET. Will the gentleman yield?

Mr. WICKERSHAM. I will.

Mr. BENNET. I am entirely neutral. There is one point of the gentleman's argument I do not follow. He says that this bill is worth \$99,000 to the companies now. Will the gentleman take a couple of minutes to elucidate that?

Mr. WICKERSHAM. Yes. They have \$10,000,000 worth of shore or real property in the Territory of Alaska. It consists of cannery sites and canneries, of cold-storage sites and cold-storage plants, of whale-fishery establishments, and real estate and improvements thereon. It consists of real property, or lands and buildings on the lands. I find that stated, substantially, and I assume correctly, in the report of the Bureau of Fisheries, which is in favor of this bill.

Mr. KENT. Does the gentleman take into consideration the personal property element of boats and equipment?

Mr. WICKERSHAM. No. I was considering only real property. The 1916 report of the Governor of Alaska says there are \$37,316,560 invested in fisheries in Alaska; \$10,000,000 of this is in shore property—substantially that sum.

Mr. BENNET. The State from which I come has a system of real estate tax. Is this land now assessed and valued by any governmental agency?

Mr. WICKERSHAM. It is not. It is not assessed now, but under the law—

Mr. BENNET. I am not so distressed about the assessment, but what I want to get at is this: Is there any governmental agency in the Territory of Alaska that values property as, for instance, the department of taxation in New York City values real estate in that city?

Mr. WICKERSHAM. No.

Mr. BENNET. This estimate is the estimate, as the gentleman states, which is placed upon this real estate by the present Bureau of Fisheries?

Mr. WICKERSHAM. Yes; and it has been given to them, as I understand, by those who own the real estate itself. But it is contained in the statement of the Bureau of Fisheries, and I took it from there.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. LINTHICUM. I want to understand the gentleman's idea. Your idea is that the work of legislation should be left to the Territory of Alaska rather than to the United States Government?

Mr. WICKERSHAM. I have not said anything about that. The gentleman is anticipating.

Mr. LINTHICUM. I understood the gentleman to say this bill took away from the Legislature of the Territory of Alaska everything in the way of legislation for fishing purposes.

Mr. WICKERSHAM. In the organic act creating the Legislature of Alaska it was given but the single power to levy additional license tax on fisheries, and this act will take away that power.

Mr. LINTHICUM. Does the gentleman contend that we should merely legislate as to general legislation or that we should allow general legislation to be passed by the Territory of Alaska? And should it be local or national legislation?

Mr. WICKERSHAM. I have not been discussing that at all.

Mr. LINTHICUM. I would like to hear from you on that point.

Mr. WICKERSHAM. I will talk about that when I reach it. Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SCOTT of Michigan. Who owned this property that the gentleman refers to prior to the time it was acquired by the fishery interests?

Mr. WICKERSHAM. The United States owned the lands.

Mr. SCOTT of Michigan. Have they bought any property owned by private individuals, to the gentleman's knowledge?

Mr. WICKERSHAM. Possibly, but I am not sure about that. I have not looked up the matter of titles.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. FESS. As I understand it, the contention of the gentleman now holding the floor is that if this paragraph at the top of page 24 passes into law the Federal Government would not have authority to add the 1 per cent taxation on real estate, and that not only you would lose the power in the Territory but the Federal Government by this law would forfeit the right?

Mr. WICKERSHAM. Oh, no. Congress would not forfeit the right to change the law.

Mr. FESS. As long as the law stands—

Mr. WICKERSHAM. As long as the law stands, of course, there could be no levy of taxes upon that property.

Mr. FESS. Could the mere fact that the Territory has not made the 1 per cent tax be considered as an argument that it will not do it in the future?

Mr. WICKERSHAM. No. It will do it in the future. The purpose is to do it in the future.

Now, Mr. Chairman, I want to take up another feature of this matter, because the question of taxation is in my judgment the smallest evil in this bill. I now want to talk to you about that feature of the bill which gives a monopoly of the control and ownership of these Alaskan fisheries to three great corporations.

Mr. HARDY. Mr. Chairman, will the gentleman yield, in order that I may get clearly in my mind the proposition?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Always; yes.

Mr. HARDY. As I understand, the gentleman's objection is that this bill provides for a license tax and provides for a business tax and an output tax in behalf of the Federal Government, but does not provide for an ad valorem tax upon personal and real property involved in these enterprises?

Mr. WICKERSHAM. No. I was objecting to the latter clause only; that it did not provide for any ad valorem tax upon the real property or the personal property of these cannery corporations in Alaska.

Mr. HARDY. As I understand you, taking the whole section of the present bill and the law, there is no tax upon the personal property or the real property of these corporations?

Mr. WICKERSHAM. There has been no tax levied yet upon their real property.

Mr. HARDY. Has there been any levied on their personal property?

Mr. WICKERSHAM. Yes. By an act of the legislature that will be repealed by this bill.

Mr. HARDY. Let me suggest to you that the saving clause there saves the taxes already imposed.

Mr. WICKERSHAM. I know it does; but that was not in the bill before I went before the committee and made objection and secured the attention of the committee to the matter and you put in the amendment.

Now, I want to call the attention of the House to the other feature of this bill which, it seems to me, ought to condemn it before a Congress interested in finding the remedy for the high cost of living. The President of the United States and Congress and the people of this country are now giving time to the discussion of the question of the high cost of living, and yet here by this bill, if I read it aright and if I construe it aright, is a plan to turn over to three big corporations in Alaska one of the greatest natural food supplies belonging to the people of the United States. I want to call your attention to it, so that you will see if I am correct about it. Beginning with section 6 of this bill, it is provided that—

Any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska—

I will stop there long enough to explain to you what a pound net is. It consists of a long row of piles or posts running from the shore out into the water, and at the end of those piles is an arrangement upon which they hang nets, and there is a jigger, or arm, all netted over, in addition, so that when the fish come along toward the spawning grounds they strike the netting on the long row of piles and are diverted away from their course trying to get around it until they work their way into the trap. When they get into the trap there is no escape

for them and the fisherman comes along and brails them out. I will read that again:

That any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska shall cause such location to be accurately surveyed by a competent surveyor, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause three maps to be made of such location from the actual survey thereof, which shall contain a plat and description of such fishing location sufficient for its ascertainment and identification on the premises. Such maps shall also contain a certificate by the claimant, or by his agent or attorney, stating that he claims the fishing location shown thereon, specifying the date and number of the license under which the same is held, or the fact that application has been made therefor. Such maps, with the certificates thereon, shall be filed in the office of the commissioner of records.

I will not read the rest of it. It relates to the matter of filing for record in the office. Now, turn to the same matter on page 8, at the beginning of line 6. I read:

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Now, in brief, when a locator locates one of these trap sites by making a survey, he files his certificate of location for record with the local recorder and one copy of the map made with it is sent to the Secretary of Commerce and another copy is sent to the Bureau of Fisheries in the city of Seattle, and thereupon that site becomes his exclusive property. In other words, he has the exclusive right to fish on it as long as he shall comply with the law by paying \$50 a year, and once every two years doing some fishing on it. That is all he has to do, and I call your attention to the fact that there is no limit to the number of claims or locations which any one man or corporation may make of these trap sites. The Booth Fisheries Co. now has about 100 of them, either located or surveyed. That company and others have been surveying all summer along the shores of Cook Inlet and along the shores of Alaska. Hundreds of these locations have been made. All have been made that are of any value. I notice a statement in this report which, if it were not so pitiful, would be amusing. It says, in effect, that suppose there are 250 such claims; they only cover a certain few miles, call it 250 miles, along the coast—I do not remember the exact number stated in the report—but of what importance is that when there are 26,000 miles of shore line in the Territory of Alaska? What have 250 miles of fisheries in Alaska got to do with the case when there are 26,000 miles? That is the purport of the statement made in the committee's report. It is amazing that the committee would put such a statement in their report. If they had the slightest information upon the subject of those fisheries, they would know that there are very few spots along these shores that are fit for trap sites. These fishery companies send out men to scour the coasts to find where trap sites may be located to advantage, and trap sites are located there and nowhere else. Possibly in a hundred miles along the coast there may not be a single trap-site location.

Mr. KENT. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. KENT. I will ask the gentleman if it is not analogous to some one claiming the right to catch all the automobiles that run along the road, provided other people are allowed to catch all those who run through the fields or on the grass in the park? Do not the fish follow certain routes?

Mr. WICKERSHAM. Yes; they do. And the only trap site of any value is along that route. A trap site away from that route would be useless and would be abandoned. These sites are much sought after, and are now already surveyed by the big fishing companies.

Mr. SCOTT of Michigan. I would be very glad to hear the gentleman as to whether he considers that this proposed legislation will supersede the riparian rights.

Mr. WICKERSHAM. There are no riparian rights in individuals in Alaska. Such rights belong to the Government of the United States. Alaska is not yet a State; it is a Territory.

Mr. SCOTT of Michigan. Of course, I understand that.

Mr. WICKERSHAM. And all of the tide lands are held by the United States in trust for the people of the future State. So Congress has the right probably to grant trap sites on tide lands and make a gift of them to these big corporations if it desires to do so.

Mr. BUTLER and Mr. Sisson rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. WICKERSHAM. I yield to the gentleman in front of me [Mr. BUTLER].

Mr. BUTLER. The gentleman refers to trap-net fishing. Is this a special method by which these fish are caught? Will they catch more fish in a trap net than in any other way?

Mr. WICKERSHAM. Yes.

Mr. BUTLER. I infer from the gentleman's remarks, then, that it is possible for one concern to establish 500 of these places?

Mr. WICKERSHAM. Undoubtedly. That is what I am trying to make this House understand, that under this bill the Chicago Meat Trust, represented by Libby, McNeill & Libby, which now has probably 100 of these trap sites, can secure all of them, and they are doing it just as fast as they can buy up other companies in Alaska and secure their trap sites.

Mr. SISSON. Right in line with what the gentleman is saying I see that section 6 refers to fixed net locations.

Mr. WICKERSHAM. Yes.

Mr. SISSON. Is there any place in the bill where the number of such locations that may be set apart or surveyed is limited?

Mr. WICKERSHAM. No, sir.

Mr. ALEXANDER. Will the gentleman yield?

Mr. WICKERSHAM. I do not yield, Mr. Chairman.

Mr. ALEXANDER. I will show the gentleman when my time comes.

Mr. SISSON. What is a trap site, and how large is it?

Mr. WICKERSHAM. I will give the gentleman that information.

Mr. ALEXANDER. The provisions of the bill in regard to that are ample and definite.

Mr. WICKERSHAM. There are about 320 acres in each trap site. Is not that correct?

Mr. ALEXANDER. No; it is not.

Mr. WICKERSHAM. How much does it give them?

Mr. ALEXANDER. It says they shall not be located within certain distances. The purpose is to give the fish a chance to move, to go about, and not to trap all the fish.

Mr. WICKERSHAM. I am including those prohibited areas as a part of the trap site, because the holder of the trap site gets the advantage of that prohibited area around the trap site, although he does not own it. Nobody else can go there and fish. It belongs to the holder of the trap site just as exclusively as if he had obtained a patent from the United States Government for it, and all other fishermen are excluded from fishing thereon. That effectually enlarges his trap site so that it includes, with his trap site and the surrounding area, about 320 acres, upon which no one may fish but the locator of the trap site.

Mr. SISSON. With the gentleman's permission, I do not think the gentleman from Missouri [Mr. ALEXANDER] answered my question. I want to know how large is one of these areas that is set apart and over which the man holding the trap site has the exclusive control? Is it 2 or 3 miles square?

Mr. WICKERSHAM. It is all described in section 7 of this bill. Section 7 says:

That no lead of any pound net in the waters of Alaska shall exceed 3,000 feet in length, and there shall be an end passageway of at least 600 feet and a lateral passageway of at least 2,400 feet between pound nets and an end passageway of at least 600 feet and a lateral passageway of at least 1,000 feet between a pound net and a stake net or set net.

I have made the best calculation that I am able to make from the description given in this section of the bill, and I say to this House that after that most careful calculation it gives substantially 320 acres to each one of these trap sites, or one-half section of land, an area of land 1 mile long and half a mile wide, and there is no limit upon the number of these trap sites which one company may take, and there is no limit to the number of trap sites which may be assigned to one corporation or one man.

Mr. SNYDER. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SNYDER. I should like to ask the gentleman if he thinks that the people of the great United States would be better served if the 350 sites that he speaks of were divided up between 350 men, or whether they should all belong to these three monopolies or concerns that he speaks of? Which would we get the most benefit from as a people in the distribution of the fish?

Mr. WICKERSHAM. That is an amazing question to be asked. I had always supposed that everybody understood that it was better for the people of this country to have the wealth of the country widely distributed rather than to be put in the hands of one man or one corporation. I think certainly that that is true when it comes to monopolizing the food supply of the people, because that is what this amounts to.

Mr. FESS. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. FESS. My first impression was that the 26,000 miles of expanse would make the fishery industry inexhaustible up there. I want to ask the gentleman if we have sufficient definite knowledge of the habits of the fish so that we can locate where the fish are and another place where they are not?

Mr. WICKERSHAM. Yes; with reasonable certainty.

Mr. FESS. Then there is a possibility of exhausting the supply, even though the seacoast is apparently unlimited?

Mr. WICKERSHAM. Yes.

Mr. FESS. There is no doubt about it?

Mr. WICKERSHAM. There is no doubt about it.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. HAMILTON of Michigan. May I ask the gentleman to state something in relation to the habits of the salmon, because no one is better able than the gentleman to speak with authority on that subject?

Mr. WICKERSHAM. There are five varieties of salmon in Alaskan waters.

Mr. HAMILTON of Michigan. Do they return to the same waters each year?

Mr. WICKERSHAM. They return to some one of the salmon streams.

Mr. HAMILTON of Michigan. This is bearing upon the ability to locate where the fish go each season.

Mr. WICKERSHAM. Many of the streams in Alaska are not salmon streams. Generally there is some lake connected with the stream, and there must be some gravel bar, either in the lake or in the stream, where the fish can spawn. It is to that sort of a stream they resort when they come from the sea.

Mr. HICKS. Will the gentleman yield?

Mr. WICKERSHAM. I will.

Mr. HICKS. Are not most of these sites in the hands of the big corporations, or are they in the hands of the small fishing interests?

Mr. WICKERSHAM. They are now largely in the hands of three corporations—the Alaskan Packers' Association, Libby, McNeill & Libby, representing the Swifts, and the Booth Fisheries Co. They have had men out all summer surveying and preparing maps to file the minute this bill is passed, so that they can get absolute control and title of these fisheries.

Mr. REILLY. What is the present law regarding these fisheries?

Mr. WICKERSHAM. Under the present law the fisheries are free.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WICKERSHAM. With pleasure.

Mr. COOPER of Wisconsin. I want to see if I get the gentleman's point about filing maps. Section 6, page 6, says—

That any person occupying, or desiring to occupy, any location where it may be lawful to construct a pound net in the waters of Alaska, shall cause such location to be accurately surveyed by a competent surveyor, unless a survey thereof has already been made, in which event such existing survey may be used, and shall cause three maps to be made of such location from the actual survey thereof, which shall contain a plat and description of such fishing location sufficient for its ascertainment and identification on the premises.

Now, the gentleman says that these surveys have already been made, anticipating the passage of the bill.

Mr. WICKERSHAM. Yes; which provides for the filing of these maps.

Mr. COOPER of Wisconsin. The bill further says:

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Mr. WICKERSHAM. Yes; he gets an exclusive title.

Mr. COOPER of Wisconsin. For how long?

Mr. WICKERSHAM. Until Congress repeals the law.

Mr. HAMILTON of Michigan. Would not they acquire vested rights under this?

Mr. WICKERSHAM. I think so.

Mr. ALEXANDER. He has the right so long as he renews his license and pays the license fee and operates the net.

Mr. COOPER of Wisconsin. Does not the language here, "his heirs, administrators, executors, successors, or assigns shall have the exclusive right to hold, occupy," and so forth, renew his license? Can anybody else get in?

Mr. WICKERSHAM. It gives them the same title that we have in placer and quartz claims under the mining laws of the United States on the public lands.

Mr. COOPER of Wisconsin. To put a short interpretation upon it, the claim that these fisheries are open to anybody to have a site and secure it is pure sham?

Mr. WICKERSHAM. Yes; and it is much purer sham when you know that these big canneries have the maps already to file, and all they are waiting for is the passage of this bill to enter into the ownership of the fisheries in Alaska.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MOORE of Pennsylvania. Would this language read by the gentleman from Wisconsin [Mr. COOPER] preclude a citizen of Canada from obtaining these rights?

Mr. WICKERSHAM. I have no doubt that it would not.

Mr. MOORE of Pennsylvania. There is no restriction as to citizenship?

Mr. WICKERSHAM. None at all in the bill.

Mr. MOORE of Pennsylvania. Is it not true that we are already in conflict with Canada in regard to fishery rights in this vicinity?

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield? The gentleman from Pennsylvania is asking for information, and I would like to ask the gentleman from Alaska if there is not another law under which these rights can only be acquired by citizens of the United States?

Mr. WICKERSHAM. I know of no such law.

Mr. MOORE of Pennsylvania. Would not this act, if passed now, supersede existing law?

Mr. WICKERSHAM. Yes; so far as they conflict.

Mr. MOORE of Pennsylvania. I asked the question because the very question of the right of the interference of Canadian fishermen has been raised before another committee, and American fishermen are complaining.

Mr. WICKERSHAM. Yes; and I want to say that these big corporations about which I am talking and to which I intend to draw the attention of the House have now established their plants at Prince Rupert at the end of the Grand Trunk Railroad, 90 miles from Alaska, where they intend to manage this business if they get the title to these fisheries.

Mr. SISSON rose.

Mr. MOORE of Pennsylvania. Does the gentleman know that American fishermen—

The CHAIRMAN. To whom does the gentleman yield?

Mr. WICKERSHAM. I think I shall not yield to anyone.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. WICKERSHAM. Yes.

Mr. MANN. I just wanted to make this suggestion to the gentleman and to the members of the committee. The gentleman had an hour. I do not remember how much of that hour has been used, but under the rules of the House he has only one hour. Unless his time should be extended by unanimous consent after we get into the consideration of the bill under the five-minute rule, and, of course, then we have that power, if the gentleman is interrupted so that he is not able to finish his statement, he will not be able to conclude what he has to say, and I express the hope now that members of the committee will not object to his getting such an extension of time when he takes the floor under the five-minute rule.

Mr. SISSON. We might settle that question now.

Mr. MANN. We can not do it.

Mr. SISSON. We might do it by unanimous consent.

Mr. MANN. The committee can not extend the time for general debate. That is fixed by a rule of the House.

Mr. SISSON. One can do almost anything by unanimous consent.

Mr. MANN. The House can do it, but we are in committee, and the committee can not do it.

Mr. SISSON. I had overlooked the fact that we are in committee.

Mr. WICKERSHAM. That provision with respect to citizenship is a common provision in bills of this kind, and it is so common that you find it in the Oregon and Washington laws relating to this same subject. I call the attention of the committee to section 58 of the annotated laws relating to food and shell fish in the State of Washington of 1915, wherein it is provided:

It shall be unlawful for any person to fish or take for sale or profit any food or shell fish in any of the rivers or waters of this State, or over which it has concurrent jurisdiction in civil or criminal cases, unless such person be a citizen of the United States or have declared his intention to become such, and is and has been for 12 months immediately prior to the time he engages in such business an actual resident of this State or an adjoining State, but this section shall not apply to Indians.

Under that law a citizen of Alaska could not go into the State of Washington or the State of Oregon and catch fish, and it is now proposed in this bill to turn the entire fisheries of the Territory of Alaska over to these three big corporations, who have their headquarters in Seattle and San Francisco, but which they are now transferring to Prince Rupert, at the end of the Grand Trunk Railroad. I want to warn this House that if this bill passes the trap is all set, the maps are all ready to file by which these three big corporations will secure the title to the fisheries in Alaska.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. KENT. I would like to ask the gentleman what the effect on the population of Alaska would be as between more independent and competitive fishing and this trust fishing?

Mr. WICKERSHAM. There would be no other fishing except this trust and trap fishing if this bill should be passed.

Mr. KENT. And the fishermen are mostly Japanese?

Mr. WICKERSHAM. There are a great many Japanese and Chinese brought up in the cannery crews, but the fishermen themselves are not Japanese and Chinese. They are generally white men brought up from San Francisco and Seattle.

Mr. KENT. But they are migratory labor, are they not?

Mr. WICKERSHAM. I have here petitions and protests from thousands of fishermen of Alaska against the passage of this bill. Here is one which I shall read. It is dated Ketchikan, Alaska, October 10, 1916, and is addressed to the United States Senate and House of Representatives, Washington, D. C.:

We, the undersigned residents of southeastern Alaska, being fishermen and otherwise interested in the fisheries of Alaska, do most respectfully protest against the passage of the bill H. R. 17499, introduced August 18, 1916, by Mr. ALEXANDER, of Missouri, and entitled "A bill for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes." The said bill will result in a monopoly of the fisheries of Alaska by the great corporations and will result in great harm and loss to the people of the Nation.

Petitions of that kind are signed by thousands of fishermen in Alaska and are in my hands, and I exhibit them to this House.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. RAGSDALE. What is the attitude of the inhabitants of Alaska in so far as the gentleman has been able to learn it in the little towns along the coast there as you go up the inland passageway?

Mr. WICKERSHAM. I have just read you their protest.

Mr. RAGSDALE. I mean other than the fishermen?

Mr. WICKERSHAM. Every one along there who is interested either in business with the fishermen or engaged in fishing signed these protests. It is the unanimous protest of the people of that country.

Mr. RAGSDALE. I am anxious to know, because I had the pleasure of going up there this summer a year ago, and I think there are wonderful possibilities in that country, and, as far as I am concerned, I should like to do everything I can to assist the gentleman in building it up.

Mr. WICKERSHAM. I thank the gentleman. There ought to be something done by this Congress which will enable us to build up a population of fishermen along that coast. We ought to have thousands of people inhabiting homes in little cities and towns along that coast, building up a population of good American fishermen there, instead of turning all of these great fisheries over to three great corporations, who will catch all of the fish with traps, with the result that no one in Alaska will get a cent out of it. There will not be a schoolhouse built in Alaska out of this money nor a home constructed. It will all be taken out of the Territory by the great corporations and used to add to the wealth of stockholders in New York and other eastern cities.

Mr. Chairman, I want to now talk for a moment about these corporations. I want to refer to Libby, McNeill & Libby, in whose name 40 or 50 of these trap sites are now held.

I have here Poor's Manual of Industrials for 1916, and I refer to page 729 first. I am going to be very brief about this, but it is a very important matter, to show who is going to get the ownership of these trap sites if this bill passes.

LIBBY, McNEILL & LIBBY (ME.).

Incorporated August 6, 1903, in Maine, and conducts a packing business. Plants located at Chicago, Ill.

Capital stock: Authorized and outstanding, \$8,000,000. Shares,

\$100. Dividends paid at the rate of 8 per cent per annum.

Directors: L. F. Swift, E. F. Swift, L. A. Carton, W. F. Burrows,

H. Veeder, Harold H. Swift, G. C. Swift, Jr., C. H. Swift, E. G. McDougall.

Officers: W. F. Burrows, president; Edward F. Swift, vice president;

Edward G. McDougall, vice president; Henry W. Hardy, treasurer;

Charles E. Hill, assistant treasurer; Harry Williams, secretary.

Office, Union Stock Yards, Chicago, Ill.

In other words, those are the men who are the heads of the Swift Meat Trust. They own Libby, McNeill & Libby, and they simply use the trade name of Libby, McNeill & Libby for the purpose of grabbing our fisheries in the Territory of Alaska. They, too, have been surveying trap sites along the coasts of Alaska this summer. They have the maps ready and in their hands down here at the department waiting for Congress to pass this bill so they may go and take the fisheries of Alaska away from the people of the United States. Now, I want to call attention to the Booth Fisheries Co., on page 1557 of Poor's Manual of Industrials for 1916. I am going to read a little more of this because it is much more important and interesting:

BOOTH FISHERIES CO.

Incorporated May 10, 1909, under laws of Delaware; became purchasers at receiver's sale of all assets of A. Booth & Co., Chicago, Ill., formally taking possession thereof on May 24, 1909. The company is engaged in buying and selling, at wholesale and retail, fish, oysters, and all sea foods, and has a large fleet of fishing boats on the Great Lakes and Pacific Ocean. The company operates in over 70 cities of the United States, including New York, Philadelphia, Baltimore, Boston, Pittsburgh, Cincinnati, Chicago, Detroit, Cleveland, St. Louis, St. Paul, Minneapolis, Denver, and Duluth. Owns four public cold-storage plants and also cold-storage plants for the freezing and carrying on of its own fish at nearly all its branches. Owns real estate and buildings in several cities, upon which its branches and cold-storage plants are located; 117 steamships, tugs, etc., and 571 sailing boats, barges, etc.

I call special attention to what follows:

On April 1, 1911, purchased the entire capital stock and assets of the Northwestern Fisheries Co., a Washington corporation, owning a fleet of boats and 12 fishing plants on the Alaskan coast—

That was the Morgan, Guggenheim, Northwestern Fisheries Co., which was turned into the Booth Fisheries Co., I am told, for participation—

To finance this purchase, provide additional cash working capital, and redeem \$1,425,000 of its debenture bonds then outstanding the stockholders authorized a \$5,000,000 sinking fund 6 per cent debenture bond issue, due April 1, 1926, and sold \$4,000,000 thereof. In 1912 the entire capital stock of the International Fisheries Co. (Tacoma, Wash.) was acquired.

In 1915 acquired the canneries, etc., of Gorman & Co. and transferred the properties to the Anacortes Fisheries Co., incorporated April 15, 1915, in Washington, with \$1,000,000 capital stock, all of which is owned by the Booth Fisheries Co. The Anacortes Co. will operate two salmon canneries in Alaska and three salmon canneries in Puget Sound.

The Booth Fisheries and the other companies have put up in the year surviving many of these trap sites in the Territory of Alaska, and are ready to file them with the Secretary of Commerce as soon as this bill passes. They are buying canneries and taking over trap sites and forming a monopoly out of them. Oh, some gentlemen may say that that is my ipse dixit. I was told it was my ipse dixit before the committee. But here is an indictment against the Booth Co. They are under indictment in the city of Seattle for doing what I am talking about in the Territorial waters of Alaska. This copy of this indictment was given to me upon request by Mr. Clay Allen, United States district attorney at Seattle.

I shall first read the title of the document:

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON,
NORTHERN DIVISION.

United States of America, plaintiff, v. Booth Fisheries Co., a corporation organized under the laws of the State of Delaware; Booth Fisheries Co., organized under the laws of the State of Washington; the Chiopeck Fish Co. (Inc.), a corporation organized under the laws of the State of Washington; Saa Juan Fishing & Packing Co., a corporation organized under the laws of the State of Washington; Occidental Fish Co., a corporation organized under the laws of the State of Washington; A. B. Carpenter, W. T. Chutter, William Calvert, Jr., H. O. Roberts, and W. J. Maddock, the Christian names of each of said persons being to the grand jurors unknown, defendants. May term, 1914. No. 2791. Indictment.

Now, those are the parties, and each of these minor or subsidiary corporations mentioned therein are the corporations that have been bought up and are being controlled by the Booth Co. at the time this indictment was brought, and since that time the Booth Co. has also bought the Gorman Co. and others.

Mr. HARDY. Is that an indictment under the antitrust law?

Mr. WICKERSHAM. Yes; it is.

I now call your attention to the charging clause of the indictment. I think it is on page 14 of this indictment. It says:

That the purposes to be effected by said unlawful conspiracy were:

(a) To control and limit the supply and to control and depress the price of halibut shipped in boxes from Alaska to the markets of Seattle and Tacoma, Wash.

(b) To control and limit the supply and depress and otherwise control the price of halibut produced by the defendants and independent fishermen and offered in the halibut markets of Seattle and Tacoma, Wash.

(c) To control the price paid by independent halibut brokers by making exorbitant and unreasonable bids against the independent brokers from time to time;

(d) To control the price paid for halibut by the refusal to bid against the other defendants herein and by the offer of collusive and fraudulent bids among themselves;

(e) To control the distribution of halibut in the markets of the cities of the several States by concealment of stock ownership and control among themselves and by the maintenance of pretended competition;

(f) To control the prices paid by offering for sale from time to time in the several States halibut purchased and obtained by collusive bids and offered in competition with halibut purchased under normal conditions of trade;

(g) To control the prices paid and refraining from good faith competition in the markets severally allotted by agreement among themselves; and

(h) To control the halibut markets in the cities of the several States by intimidation and coercion of independent brokers to maintain and support prices fixed by themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WICKERSHAM. Mr. Chairman, I ask unanimous consent to continue for five minutes.

Mr. MANN. I do not think that can be done.

Mr. ALEXANDER. I have no objection to the gentleman continuing for 30 minutes if the same time is extended to the other side.

Mr. MANN. I do not think that can be done until we commence to read the bill.

The CHAIRMAN. The Chair would not entertain that motion.

Mr. MANN. How much time has the gentleman consumed?

The CHAIRMAN. The gentleman has consumed 45 minutes.

Mr. MANN. Suppose we commence to read the bill, and then have unanimous consent that the gentleman from Missouri shall have 1 hour and 15 minutes more, and that would include the 45 minutes due him, and 30 minutes additional, and the gentleman from Alaska to have 30 minutes.

Mr. ALEXANDER. I am willing to agree to any proposition that will not violate the rule.

Mr. MANN. I do not think we ought to consider in the committee that we can violate the rule.

The CHAIRMAN. If nobody desires to be heard further under the two-hour limit, the Clerk will read.

Mr. ALEXANDER. Of course, we have this understanding.

The Clerk read as follows:

Be it enacted, etc., That it shall be unlawful for any person to engage in the business of canning, curing, preserving, packing, or otherwise dealing at wholesale in food fish, shellfish, or the products thereof, or manufacturing fishery products in the Territory of Alaska or in any of the waters of Alaska without first obtaining a license for each establishment or works used in such business.

It shall be unlawful for any person engaged in the business of taking, catching, or fishing for food fish or shellfish in any of the waters of Alaska to use for such purposes any fishing appliance specified in section 2 without first obtaining a license for such appliance.

This section shall not require a license for the taking of food fish or shellfish for personal, domestic, or family use, and not for sale or barter, when not otherwise unlawful to take the same, or for conducting retail trade in fish or fishery products.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Alaska may be entitled to proceed for 30 minutes, and that the gentleman from Missouri [Mr. ALEXANDER] shall be entitled to control 1 hour and 15 minutes. That is adding 30 minutes to what would be the time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Alaska [Mr. WICKERSHAM] be allowed 30 minutes and the gentleman from Missouri [Mr. ALEXANDER] be allowed an hour and 15 minutes. The only question in the mind of the Chair is as to whether the Chair should entertain that motion. There is no motion to strike out on this section.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WICKERSHAM. Mr. Chairman, the concluding part of the Booth Fisheries Co. indictment is:

And the grand jurors aforesaid, upon their oaths, do further present: That each and all of the several acts of the several defendants herein set forth was with the common purpose, design, intent, and effect of unlawfully and unreasonably restraining the commerce of the United States, and between the several States, the Dominion of Canada, and the Territory of Alaska, within the meaning of the act of Congress of the United States of July 2, 1890, the same being chapter 647, Twenty-sixth Statutes at Large, page 209, and being entitled "An act to protect commerce against unlawful restraints and monopolies," first herein more particularly mentioned; contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States of America.

CLAY ALLEN,
United States District Attorney.

This indictment was filed in the May term, 1914, and I have been asked to state what has been done with it. That is another phase of the strength, the cunning, and the skill of the people who run the Booth Fisheries Co. and those who represent them. It has not yet been tried, and it has not been tried because the United States district attorney in Seattle says that he is so overcome and surrounded by the powerful influences of these people in the city of Seattle that he can not

get a fair trial. I am going to read you that part of his letter. In the body of his letter to me he says:

If I could convince myself that the hazard of a criminal trial in this community with its possible or even probable results would have the effect of doing a great good which you profess to see in that result, I would probably reach the conclusion which you have, that the criminal case should be tried, without further consideration of the plan which I have outlined to you.

As suggested in my former letter, I know this community in the same close and intimate way that you are acquainted with Alaska. I have already been through one of the navy-yard cases lasting 20 days, the Munday case, which lasted 28 days, and the Tape case, which dragged its weary length over 20 days, and I know just the extremes to which certain powerful interests in this community can and will go to prevent a fair and impartial trial of a case of the importance which the Booth case would be to them.

That is why the case is not tried.

Mr. GARNER. Mr. Chairman, will the gentleman yield there for an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. GARNER. Why does not the Department of Justice try to get a change of venue in this case to some place where they can get justice?

Mr. WICKERSHAM. I have not inquired of the department as to that. Mr. Allen is a good Democrat and loyal to the Wilson administration, and a good lawyer.

Mr. GARNER. Does the gentleman know whether he has asked for help?

Mr. WICKERSHAM. I do not.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. I would like to ask for the date. You said it was May, 1914.

Mr. WICKERSHAM. Yes; May term, 1914. The number of the indictment is 2791.

Now, that is the situation in which we find this bill at this moment, and those are the powerful influences which support this bill and who have their maps now made. They have their maps under their arms down at the department ready to file them and take possession of the fisheries of Alaska, if this bill passes.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. REILLY. You stated a few moments ago that there are no laws at the present time covering the subject matter of this bill regarding these locations for fishing.

Mr. WICKERSHAM. Yes, sir.

Mr. REILLY. What necessity, if any, is there for new legislation along that line?

Mr. WICKERSHAM. I think there is necessity for it, and I proposed it to the committee. The committee wanted to know what I would do, and I proposed a leasing system of these trap sites, under such protection as ought to be imposed, so that in five years we could go out and recapture them if we desired, and control them in the meantime, and thus prevent them from passing into the hands of one great fishing trust. [Applause.] That can be done, and that ought to be done.

Now, the gentleman was asking what sort of legislation there is extant now. In the act of 1906 it is provided:

That every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within the Territory known as Alaska, ceded to the United States by Russia by the treaty of March 30, 1867, or in any of the waters of Alaska over which the United States has jurisdiction, shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, 4 cents per case; pickled salmon, 10 cents per barrel; salt salmon in bulk, 5 cents per 100 pounds; fish oil, 10 cents per barrel; fertilizer, 20 cents per ton. The payment and collection of such license taxes shall be under and in accordance with the provisions of the act of March 3, 1899, entitled "An act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," and amendments thereto.

I heard the chairman of this committee say—and if I make any mistake in repeating it I beg his pardon—that there is no present system of licenses in Alaska. I do not know whether I understood the gentleman correctly or not.

Mr. ALEXANDER. I said except that act passed by the territorial legislature, which simply taxes the interest. There is no system of licensing that I know of.

Mr. WICKERSHAM. Well, that simply shows how little attention the very amiable and very admirable chairman of the Committee on the Merchant Marine and Fisheries has given to this bill, because a very complete system of licenses in the fisheries of Alaska exists, and has existed since the passage of the act of 1906, approved on June 26 of that year. There is not a single new feature in this bill but those features which give a monopoly to these fishing corporations. They are all

covered by the present laws; and, judging from the appearance of the document itself, the only purpose of passing the bill now before the House is to enable locators to locate these trap sites and to acquire a title thereto.

Now, I call the especial attention of the House to this act of 1906, in view of the statement I have made.

Mr. ALEXANDER. Mr. Chairman, will the gentleman read what license fees are provided for under that act of 1906?

Mr. WICKERSHAM. Yes, sir.

Mr. ALEXANDER. There is a tax on canneries.

Mr. WICKERSHAM. I read:

Shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, 4 cents per case; pickled salmon, 10 cents per barrel—

And so on.

Mr. ALEXANDER. That does not cover a license on pound nets and fishing nets?

Mr. WICKERSHAM. That is true. The bill before the House does attempt in some minor degree to remove the burden from the big canneries and put it on the little ones, and on the Alaska fishermen.

Mr. ALEXANDER. We have taxed them more largely than ever before.

Mr. WICKERSHAM. You have added only a few items; but otherwise the bill is substantially the same as the law now is. The only new features are those which attempt to give these big cannery corporations the right to take over the Alaska fisheries.

Mr. HARDY. Mr. Chairman, will the gentleman answer right there, is there anything now to prevent those big fisheries from taking over the little ones?

Mr. WICKERSHAM. Yes, very much; but there ought to be more. There is no method now by which the big interests or any other interests can secure title to the fisheries of Alaska. They are now free. But when this bill passes and these trust corporations can get to the department with their maps, which are already prepared—

Mr. HARDY. The condition is simply this, that the waters being open, one pound net may be placed right on top of another, and all sorts of conflict and confusion may result. Is not that it?

Mr. WICKERSHAM. No; that is not correct.

Mr. HARDY. When one locates a pound net some one else can locate right on top of it, can he not?

Mr. WICKERSHAM. Oh, no.

Mr. HARDY. Why not?

Mr. WICKERSHAM. Because of the law of possession. There now is no conflict among these people. Indeed, there is so little conflict among them that that sort of litigation would not keep one lawyer alive.

Mr. HARDY. I wanted to get a clear understanding of the matter. I have tried to get that all through this discussion on the bill.

As I understand it, when the public domain is open to the use of all the public, squatters go there. They conflict with one another and nobody has title. Possibly the law might protect the fenced possessions of a squatter, but it would not protect anything outside of his fence. Now, if a man has one of these pound nets set, the stakes driven, and the net out, nobody else could occupy the same place except as a trespasser; but anybody else can go right up to that net and close up the passageway to the fish, can he not?

Mr. WICKERSHAM. Theoretically, yes; but as a matter of practical law, no. We settled all those questions in the West long ago. Our mining claims, town sites, and even our land claims on unsurveyed lands are of a similar type, and all such questions are now well understood and settled. The right of possession is as well respected there as any law on the statute books.

Mr. HARDY. Out on the ocean?

Mr. WICKERSHAM. Out on the ocean or anywhere else. This is not on the ocean. This is on the tidelands, and when men go there and locate their traps and trap sites their rights are respected and secured by the action of the courts. So there is no question of that kind.

Mr. HARDY. Then this statute only puts into the form of law a custom already prevalent?

Mr. WICKERSHAM. Very largely, that is true, and it gives them congressional approval and title to the property, which they can mortgage, pass from one to another, and keep for an unlimited number of years in monopoly of the people's food supply.

Mr. HARDY. Can they not do that anyhow?

Mr. WICKERSHAM. They could, unless Congress passed a law for the conservation and control of these fisheries.

Mr. HARDY. They can do it without any law?

Mr. WICKERSHAM. There is not anything in this bill which attempts to secure or does secure any conservation or protection of the fisheries of Alaska that is not already the law.

Mr. HARDY. Is there any law now which provides that these fish nets shall be located so far apart so as to leave open spaces?

Mr. WICKERSHAM. Yes.

Mr. HARDY. Where is that law?

Mr. WICKERSHAM. The law that gives the Secretary of Commerce the right to make rules and regulations having the force of law, and he can make rules and regulations at any time covering that. There are also statutory rules of that kind.

Mr. HARDY. You would rather leave it discretionary than to fix it by statute.

Mr. WICKERSHAM. I will tell you what I prefer—

Mr. HARDY. This does fix it, and it is the only law that fixes it, is it not?

Mr. WICKERSHAM. It is not the only law that fixes it.

Mr. HARDY. The Secretary of Commerce has not fixed it.

Mr. WICKERSHAM. I think he has. He has made rules and regulations covering many of these matters, and the statute covers more of them.

Mr. HARDY. Are they any different from this law?

Mr. WICKERSHAM. They are probably somewhat different.

Mr. HARDY. Are they any better?

Mr. WICKERSHAM. Yes; because they do not give a fixed and permanent title which can be monopolized. Now, the point I want to make again with respect to this bill is that there is not a single thing in it which looks to the protection of the fisheries of Alaska. There is not anything in it which stops the depletion of the fish in Alaska. There is not a single thing in it which prevents the great corporations from taking over these fisheries and boosting the price of the fish clear out of sight. By this bill you not only create a monopoly, but you give it the force of law and legalize a monopoly of the fisheries of Alaska, and in doing it you do not secure the people of this country and their food supply by preserving any control over the price which these monopolizing companies may charge. You make a contract with them which gives them the control of the price of the fish, and they are boosting that price from day to day to such an extent that the price of canned fish has gone up 25 per cent in the last year.

Mr. HARDY. Will the gentleman yield right there? Was not section 7 intended to protect the fish by providing that there should be an end passageway of a certain width, and a lateral passageway of a certain width, and was not that intended to provide an escape for the fish, so that they could not all be destroyed?

Mr. WICKERSHAM. I have no idea what argument was made in favor of it, but it does not do that. These fish come every year to the parent stream, great hordes of them, fish weighing from 6 to 25 pounds, and some of them 75 pounds. They come to the mouths of these parent streams. They come out of the salt water, and they do not go into the fresh water on the same day. They get near the mouth of the stream, and they mill backward and forward near the mouth of that stream, maybe for a mile or more. Here are the traps on both sides, within the limits fixed by the rules of the Secretary of Commerce or by the law, and the fish mill backward and forward until they are substantially all caught in the traps. A passageway more or less will not prevent the arrangement of the traps, so the fish will be caught as they now are. There is now authority in the Secretary to make passageways by rules and regulations. Why does he not do it?

Mr. HOUSTON. Will the gentleman yield for a question?

Mr. WICKERSHAM. Yes.

Mr. HOUSTON. I should like to have the gentleman state, is it a fact that the fish industry is being depleted and ruined in a sense by the methods that have been in vogue there for the last several years?

Mr. WICKERSHAM. I said "yes" to that question, and I have here the report of Gov. Strong for the year 1916 in support of my answer.

Mr. HOUSTON. You say "yes" to that proposition?

Mr. WICKERSHAM. Yes.

Mr. HOUSTON. I want to ask if there is anything in the bill now under consideration that will stop or prevent these methods that have been depleting or destroying this industry?

Mr. WICKERSHAM. Not at all. The bill legalizes every destructive practice that now exists in reference to the destruction of the fish of Alaska.

Mr. ALEXANDER. Will the gentleman be kind enough to inform the committee what are the regulations or provisions of existing law which destroy the fisheries of Alaska?

Mr. WICKERSHAM. Yes; I will.

Mr. ALEXANDER. That is what we would like to know.

Mr. WICKERSHAM. You give over to these great corporations the right to fish as they want to.

Mr. ALEXANDER. We are talking about the past.

Mr. WICKERSHAM. Yes; I know you are.

Mr. ALEXANDER. You assented very readily to what Judge Houston stated, and I want to know what those provisions are.

Mr. WICKERSHAM. I say that there is no difference in this bill and in the old law, with respect to protecting the fish; this bill only legalizes the effort to create a monopoly, and does not protect the fisheries.

Mr. HOUSTON. My question was as to the method being practiced by the fishermen.

Mr. HARDY. Without prohibition by law, and therefore there ought to be a law to stop it.

Mr. WICKERSHAM. There is a law. Every provision in the bill now before the House for the protection of the fish is now covered by law, either by specific words of the statute itself or the rules and regulations by the Secretary of Commerce, or the authority to make new rules to cover it. So there is not a thing in the bill from top to bottom that looks to the protection of the fish of Alaska which is not already covered by law. It simply gives title and legalizes the monopoly to three great corporations if you pass this bill. In view of the high cost of living, gentlemen of the House ought to be careful in what they are doing with this bill.

I have here the report of the Department of Labor and the Bureau of Labor Statistics for 1914. On page 137 it gives the increased cost of the canned fish of Alaska. In 1890 the average price per dozen cans was \$1.64. In 1900 it had increased to \$1.77. In 1908 it had increased to \$1.92. In 1914 it had increased to \$2.32. It has increased 58 cents per dozen cans from 1890 to 1914. There are four dozen cans in a case, and four times 58 cents is \$2.32 that the price of fish has increased per case in that time. It is still going up, and there is nothing in the bill before the House to prevent the monopoly which intends to take over these fisheries as soon as the bill is passed and to increase the price another 100 per cent.

If the House is in favor of giving a monopoly of the great food supply which belongs to the people of the United States to the corporations engaged in monopolizing the fisheries of Alaska—if you are willing to give it to them without any string upon the price they may charge your constituents, go to it and pass this bill. If you want to protect the fisheries of Alaska, if you want to save them from depletion and destruction, then give this matter some consideration. Get away from the sinister influence of the lobby that has surrounded this committee and every other committee having this bill in charge for the last eight years. I know them, because I have seen them here for eight years, and I have pointed them out to this committee, and if there is any doubt about it there is plenty of proof of it. I hope this House will refuse to pass this bill and will refer it back to the committee and let some fair bill for the conservation of the fisheries of Alaska be passed.

Mr. COOPER of Wisconsin. The gentleman started a little while ago to read from the report of the governor of Alaska, but omitted to do so.

Mr. WICKERSHAM. I did. I will do it now. On page 14 of the governor's report he takes up the subject of the fisheries of Alaska. He quotes the statement from the Bureau of Fisheries, in which it is stated:

It is not uncommon to hear it stated by some persons that the fishing resources of Alaska are suffering so severely as a result of ruthless commercial exploitation that the day is close at hand when this valuable natural resource will almost cease to exist. Such opinion very often emanates from the tourist who passes through Alaska and may stop for a few hours at two or three salmon canneries in different regions, and, upon seeing the enormous numbers of fish that are being canned, at once forms the opinion that the waters are being fished to death. He fails to appreciate the tremendous numbers of salmon and other food fish which the waters are capable of yielding without suffering depletion.

The governor in his report then says:

The sincerity of the bureau's attitude can not be questioned, neither can its scientific knowledge of fisheries, but the depletion of fish is a matter that is not strictly confined to scientific determination or incomplete observation. Certainly the question has a practical side and also an economic one. The statements of fishermen and some cannery operators, whose actual observations of fishery conditions in Alaska extend over a period of many years, as to the depletion of salmon challenge the bureau's point of view, and this view is also strengthened by the results of observation and experience of at least one of the fishery inspectors who has been stationed in Alaska for a number of years, and who has had first-hand opportunity for such observation. The opposite view to that of the Bureau of Fisheries may be summed up, as follows:

Salmon fisheries in Alaska, especially those of the southeastern section, are being rapidly depleted, and probably a great deal more

rapidly than the Bureau of Fisheries realizes. The few statistics available to the bureau can not show this growing scarcity of the salmon, and, in fact, may even be misleading to the extent of giving the impression of an increase. It is true that the statistics of the packs for a number of years past show, as a rule, an increase in the annual production of canned salmon, but as against this condition it must be borne in mind that there has been a substantial increase in the number of canneries, together with longer seasons of constant operation and an increased amount of fishing gear operating. There has also been an enormous increase in the number of traps, both in actual numbers and in varieties of positions, coupled with increased efficiency in traps as developed by years of experience in the observation of the courses of the fish and corresponding correction in positions and shapes of traps. An increased number of seines of large size and efficiency, both of design and skill in handling, is to be noted, as well as an increase in the number of gill nets, a greater variety of places in which they are used, longer hours of use of these nets daily, often 24 hours, with longer seasons in which to use them. There has also been an increase in miscellaneous kinds of gear and methods of obtaining salmon, such as hooking, dipping, fish wheels, etc.

He goes on at length to say there is great depletion of the fish in Alaska, and that unless immediate attention is given to it they will be destroyed beyond any effort of recovery.

Mr. COOPER of Wisconsin. That is the last report of the governor?

Mr. WICKERSHAM. Yes; for 1916. The gentleman can get it by applying to the Secretary of the Interior. I want to say to the House that Secretary Lane in his report has substantially quoted verbatim the words of the governor of Alaska upon this particular matter, and gives warning to Congress, as the governor does, that unless something substantial is done for the protection of the fisheries rather than the aggrandizement of the corporations the fisheries will soon be destroyed.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. EMERSON. The gentleman made a statement that the passage of this bill would assist three large fishing companies of Alaska.

Mr. WICKERSHAM. Yes.

Mr. EMERSON. Will the gentleman be kind enough to explain briefly how that will be done?

Mr. WICKERSHAM. Yes. I did explain that under this bill any person or corporation may locate trap sites; they may locate as many as they wish. The trap site is assignable or salable, and the monopolizing corporation may purchase from anyone who locates any number of them, and they are actually doing it; and that they now have hundreds of these trap sites already surveyed, the surveys made, many of them filed, and the rest of them ready to file just the minute this bill passes.

Mr. COOPER of Wisconsin. I would like to ask the gentleman a legal question that may be involved here. There is no time limit set for these leases?

Mr. WICKERSHAM. No.

Mr. COOPER of Wisconsin. And there is no repealing clause, no right to amend, alter, or repeal the provisions in the bill?

Mr. WICKERSHAM. No; but I intend to offer one.

Mr. SAUNDERS. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. SAUNDERS. That will be entirely provided for.

Mr. WICKERSHAM. But it is not provided for in the bill.

Mr. SAUNDERS. But it is in the committee amendment.

Mr. COOPER of Wisconsin. But the committee has reported a bill which would give these people such a right that if afterwards the Government of the United States should undertake to get control of those leases or that property, it could not do so without compensation in full for them.

Mr. WICKERSHAM. I suppose if they mortgaged this property for 50 years, on a bond issue, you could not get rid of that mortgage within the 50 years without condemnation proceedings.

Mr. COOPER of Wisconsin. Under the Constitution of the United States you could not touch it, because it would be subject to the provision that you can not take property without just compensation.

Mr. WICKERSHAM. That is true.

Mr. COOPER of Wisconsin. I notice that this bill, I suppose after long hearings, was introduced August 18, shortly before we adjourned, and reported August 20, two days later.

Mr. WICKERSHAM. Yes; but it had been before the committee substantially before that time.

Mr. COOPER of Wisconsin. I know it had been before the committee for a long time, but it was introduced so late we could not study it.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. ALEXANDER. This bill had been under consideration for months, and I was authorized to introduce the substitute bill

and report it back to the committee, and instructed to report it to the House.

Mr. WICKERSHAM. This bill has been under consideration for eight years.

Mr. COOPER of Wisconsin. The fact that a bill has been under consideration in a committee room, and is later amended to suit the mind of the committee having it in charge, does not tend to enlighten the entire membership of the House, nor could it until after it is reported.

Mr. ALEXANDER. It was reported on the 20th of August, and the gentleman has had from the 20th of August until now to inform himself.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MONTAGUE. The gentleman has alluded to a monopoly and to its ownership of traps. Are the same people who own the fish traps likewise interested in the canneries?

Mr. WICKERSHAM. Generally that is true.

Mr. MONTAGUE. Is there anything in the present law or the law now under consideration that prohibits people who catch fish from being at the same time the owners of canneries?

Mr. WICKERSHAM. No; not at all.

Mr. MONTAGUE. The gentleman says there is about a mile at the mouth of the river in which these fish are mainly caught.

Mr. WICKERSHAM. Oh, I do not limit it. They mill up and down in front of the river or the stream until they get used to the fresh water, and then they go up the river and spawn.

Mr. MONTAGUE. What is the distance between the pound nets?

Mr. WICKERSHAM. There are rules and regulations providing that no barricades shall be put up in the streams; that a trap shall not be within 400 yards of the mouth of the stream; and provisions of that kind.

Mr. MONTAGUE. Those provisions, I understand the gentleman to say, are not effective in preventing the destruction of the fish?

Mr. WICKERSHAM. No; the fish are being destroyed because they are being overfished. There is no question but that the fisheries are being rapidly depleted.

Mr. MONTAGUE. I should say as a nonexpert that to put pound nets within 400 yards of each other will not preserve the fish you have in that country.

Mr. WICKERSHAM. I think we have some of them closer than that.

Mr. HARDY. Will the gentleman yield for a suggestion in respect to the perpetuity of these rights?

Mr. WICKERSHAM. Yes.

Mr. HARDY. The committee has agreed on an amendment which, I think, corrects that objection:

All rights granted by this act shall be subject to alteration, amendment, or revocation by Congress.

Mr. WICKERSHAM. Yes. Now, what does that mean?

Mr. HARDY. Can the gentleman suggest anything that will mean anything more there along that line. If so, the committee will be obliged to the gentleman.

Mr. WICKERSHAM. I do not think anything more can be done along that line; but this bill is a proposition to give the fisheries over to certain great interests, and as long as they can prevent a change of the law they can retain hold of the property. They have prevented any change of the present fishery law for eight years to my certain knowledge, because I have been trying to get a change in the law to protect the fisheries for that length of time, but in vain, owing to their skill in preventing such legislation.

Mr. DILLON. If the gentleman will permit, the gentleman a while ago referred to a lobby being interested in this bill. I would like to ask him if he appeared before the committee and presented his objections?

Mr. WICKERSHAM. I did, and named the men.

Mr. DILLON. And the gentleman presented his objections to the bill?

Mr. WICKERSHAM. I did.

Mr. HARDY rose.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HARDY. I will ask permission that the gentleman will be allowed—

Mr. WICKERSHAM. No; I do not care to take further time.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] is recognized for an hour and fifteen minutes. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. HARDY], a member of the committee.

Mr. HARDY. Mr. Chairman, perhaps I will not take that much time. I want to say in the study and discussion of this bill that I have felt very kindly toward the Delegate from Alaska. I believe, and still believe, that he is thoroughly conscientious in his efforts to present his ideas in opposition to this bill. Personally, as to lobbyists, I and this committee membership, so far as I know, have seen nothing of any lobby except interested persons coming before the committee, as they have a right to do, and stating their views and interests, for all parties have been granted a very full hearing. That they are interested is naturally to be expected of those who take a big interest in appearing before a committee. As I understand the present status there is probably no law—there may be rules of the department—under which there are any of the saving provisions of this law, as, for instance, the requirement that nets should not be placed closer than 600 feet apart at the ends of the net and 2,000 feet laterally. It seems to me that this bill has a great many good provisions, one of them being that nobody shall engage in food fishing without first obtaining a license. That enables the Government to know who it is that is engaged in that business up there. Now, as to the monopoly that may be procured under this law: There is nothing now to prevent any of these big companies from buying out any of the little enterprises. It is a condition and not a theory that confronts us. The waters are open to everybody, but the independent man with a little capital finds himself in difficult waters when he is trying to compete with one of the big canneries and one of the big corporations, and there is nothing now, by law at least, to prevent monopolies from being created just as the Delegate fears. Now, as to taxation: The first objection the gentleman from Alaska made, we have put in a provision that nothing in the act shall affect the status or any vested rights of the Territory under any action at law that they have already filed and any pending suits. Then the committee has agreed, furthermore, to an amendment to this bill that has been—

Mr. WICKERSHAM. May I interrupt the gentleman? These suits, I will say to the gentleman from Texas, have been decided by the circuit court of appeals at San Francisco in favor of the Territory and the money is collected.

Mr. HARDY. I am glad to hear that. I believed that would be the case, and the committee was careful not to let this bill interfere with the rights of the Territory in pending litigation. We have tried to be equally careful with reference to the creation of a perpetuity by a committee amendment that is intended to be offered to the effect that nothing in this bill shall prevent the right of Congress at any future time to either repeal, alter, or amend or take away any right.

Mr. MONTAGUE. Will the gentleman permit a question?

Mr. HARDY. Certainly.

Mr. MONTAGUE. Is there any limitation in this bill upon how many pound nets one man can own?

Mr. HARDY. No; there is not; and, to be perfectly frank about it, I do not know just what limitation we would fix if we were trying to fix one. If we said one owner should only own 20 pound nets, I do not know whether it would prevent two owners from cooperating with each other and working together for the same cannery. I do not know how that would prevent, if there were 20 owners, each owning 20 pound nets, from agreeing to carry their output to one cannery and being practically dominated by one cannery. The future will develop the practices in this industry as it may be organized under this law; but this amendment that the committee agrees to incorporate is intended to clothe Congress with the future power to correct any evil practices or forbid or prohibit them. The trouble is it is a condition up there. Nothing now seems to be in the way of preventing an existing corporation from absolutely destroying the total fish supply.

Mr. EMERSON. If the gentleman will yield, how does this bill prevent that? That is what I would like to know.

Mr. HARDY. This bill contains a provision in section 7 intended to permit the escape of a great part of the fish, so that the supply should not be destroyed. It fixes spaces between the pound nets. There is now no law, so far as I know or from what the gentleman from Alaska says, that makes any such provision.

Mr. EMERSON. What I wanted to find out was, how does this bill prevent the Fishing Trust, if such there be in Alaska, from monopolizing things now just as they have in the past?

Mr. HARDY. It does not. It prevents them, however, from destroying the total fish supply by requiring their nets to be stationed far enough apart to leave an opportunity for fish to escape between them and go out to sea or up into the rivers. It also provides for a closed season. The truth was simply this—how to get at the question of big capital being stronger

than little capital, and it is a question that we have not solved in any part of our legislative efforts yet. We leave the gate open for future legislation by Congress when it is needed, and so far as the gentleman saying it took eight years to pass this law, the bill the gentleman introduced was referred to another committee. Either committee had the right to report any measure, and the gentleman has not gotten his bill out of committee.

Whenever you get on one of these difficult measures you will find a thousand different viewpoints suggested, and it is difficult to get any measure of national importance brought to a focus and passed by Congress, and it may take time to do it. But if evils arise under this act, and they can be shown to result in the depletion of the fish supply or in monopolizing the market, holding up the prices to the consumer or cutting down the prices to the independent fishermen, I take it that the Congress will have the same opportunity to legislate in the future as it has in the past. And if it be at fault in moving too slowly, that is our fault, and not the fault of this law. We can not afford to say that anybody interested shall be heard. I would not want to say it if I could, because I believe it is the duty of every committee of this Congress and every Congress itself to hear every interested party on any legislation.

Now, there is a very material difference between some of the testimony taken before us and the opinion of the Delegate from Alaska. A great many, from my recollection, stated to us that the waters of Alaska are of immense extent, in which hundreds of spaces may be found not yet touched by any of the great corporations interested in the fisheries there. But this condition would arise, I think, naturally that a cannery being located and not being forbidden itself to be interested in fisheries or pound nets or other nets, that cannery would naturally locate all the pound nets and other nets around this location, and the independent fishermen might have to go farther away in order to establish profitable nets; and they might be inconvenienced as to the distance. They would have to carry their output to the cannery. I do not know any way of obviating it, but I do know that this is the first restrictive legislation, as far as I am aware, that helps to protect and preserve the fishing industry in Alaska. And while it may not be sufficient—

Mr. SLAYDEN. Will the gentleman yield to a question right there?

Mr. HARDY. Yes.

Mr. SLAYDEN. Who determines the location of these nets of these particular owners? Who gives the right to select sites nearest to the canneries?

Mr. HARDY. Wherever there is a convenient location that would not yet be occupied anybody would have the right to go there.

Mr. SLAYDEN. On the shore line?

Mr. HARDY. On these fisheries, wherever they may be.

Mr. SLAYDEN. They are contiguous to the land, are they not?

Mr. HARDY. I understand so. Now, the point that is made where there is a difference is that some say there are a thousand miles of that kind of territory along the shore line.

Mr. SLAYDEN. My colleague recognizes the fact that some of those sites are nearer to the cannery and more conveniently located with reference to it than others?

Mr. HARDY. Yes.

Mr. SLAYDEN. Has a great corporation the right to those locations?

Mr. HARDY. They have not the right until they file, and the first man that files has the superior right. There is no allotment, no law except in this bill authorizing the party doing certain things to hold the location.

Mr. SLAYDEN. The remarks of my colleague intimate that there might be a considerable advantage in the location, because he said the small men might have to go farther away from the canning establishment, farther up stream, where it is more difficult to transport.

Mr. HARDY. I apprehend the big fishermen have already located the sites that are close to their canneries. That is the suggestion that occurs to me. I may be wrong about it, but I do not think I am. Now, if the territory suitable for these fisheries is as restricted as the gentleman from Alaska seems to think it is, then monopoly may follow. In fact, it may not follow only, but it already exists; and for that reason, if we find that monopoly is being abused, this law authorizes the Congress later to amend, alter, or repeal it.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. BUTLER. Suppose we pass this law, will it not give to these people vested rights there, and can we take those rights

away from them hereafter, and would it not be better for the Government of the United States to maintain in its own hands the leasing of these fishing rights, so that it can control the right whenever it sees fit?

Mr. HARDY. The gentleman propounds a question which arose in my own mind. If we give a lease, it would have to be for a period of years. It would probably be with a provision for renewal. It could not be defeated until the end of a period of years. This does not give a period of years but gives a right revocable at will, and the difference between this bill and a leasing bill is the difference between a tenant at will and a tenant for a term.

Mr. LONGWORTH. Where is the provision that this is revocable at will?

Mr. HARDY. I have stated it two or three times when the gentleman was not present that the committee has agreed upon an amendment, which I read.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ALEXANDER. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. HADLEY].

Mr. HADLEY. Mr. Chairman, I have listened with a good deal of interest to the discussion, and particularly to that portion of the debate on the part of the gentleman from Alaska [Mr. WICKERSHAM]. As a member of the committee, I know that the committee in its entirety, and speaking for myself particularly, have in mind the same common result which the gentleman from Alaska has. The sole purpose of this bill is to effect in some systematic way an efficient regulation of the fisheries of Alaska in such a manner as to protect the industry and at the same time preserve it, and protect it not only for the present but for the future.

That is the sole purpose of the bill. That is the sole purpose of the committee. The bill has been criticized in many of its particulars. I realize that a concrete analysis of the bill can be better followed in discussion under the five-minute rule, and I shall not attempt to consider many of its details at this time for that reason, but some of its general features perhaps ought to be discussed now more fully than they have been as yet.

The bill came to the committee, which considered and reported it, as has been stated, I believe, with the indorsement and the recommendation of the Bureau of Fisheries and of the Department of Commerce, of which that bureau is a part. It has been stated that for some eight years past this subject has been under consideration in Congress from session to session, and I may say that during that period the Bureau of Fisheries and the Department of Commerce have been not only administering the fisheries in Alaska, but have been studying the fishing industry, and seeking to determine what would be proper to enact into law for the development of the industry and its preservation.

So they have come to the committee and to Congress with a bill in the light of their observation and study and experience during all these years, and in the light of their study of other bills which have been before other committees, because it is in evidence before our committee that a very exhaustive hearing on this subject was had a number of years ago, I think in 1912, before another committee in another body, and other committees have had these matters under consideration.

In the light of all this investigation, not only in committee but in the field, in the waters of Alaska, the Bureau of Fisheries and the Department of Commerce have indorsed this bill as a bill which would effect the purpose specified in its title. Agents and representatives of the bureau have been in Alaska from time to time for the purpose of inquiring into these matters specifically and accurately, and their representatives have been before the committee and have testified in a specific way in respect to all matters against which criticisms have been lodged. The committee also has had the benefit of the views of all other persons who sought to be heard before it, and it has welcomed the expressions of all who are interested in the matter.

Now, in order to understand what ought to be done for the benefit of the industry, it is perhaps best to touch upon the primary basis upon which the industry rests. I heard a question propounded to the gentleman from Texas [Mr. HARDY] by his colleague from Texas [Mr. SLAYDEN], but I did not get the colloquy which ensued. The impression that I got from the interrogatory seemed to indicate that it was in the mind of the party asking the question that the fishing was done in the streams. I presume that was explained in the reply, although, as I stated, I did not get it. Now, what is the situation?

Mr. HARDY. Mr. Chairman, will the gentleman pardon me? I would like him to go into the reply to that question a little more at length. He is better informed on the subject than I.

Mr. HADLEY. The fish called Alaska salmon have peculiar habits. So far as I know all varieties, with one exception, are of the four-year class. They go to sea, remain there for four years, and return again to spawn and die. Where they go no one is able to ascertain. I understand we have no recorded knowledge on the subject, and why they return we do not know, except that, by some provision of nature, they come back to their native habitat to spawn and die and to deposit the eggs and secure the perpetuity of their own species. They seek the specific stream from which they went. Some go to one stream and some go to another. Some return to one part of Alaska and some to another.

There are three great divisions of Alaska as to fishing—southeastern, central, and western Alaska. There is a variety known as the "humpback fish," which returns every two years and spawns. The others return every four years. When they return from the open sea to Alaska—

Mr. DILLON. Mr. Chairman, I would like to ask the gentleman how he knows that the same fish returns?

Mr. HADLEY. I will say to the gentleman that that question has now gone beyond debate. After a thorough investigation by scientists some years ago they have been able to trace the fish by the concentric rings upon the individual scales in such a way, I believe, as to put it beyond dispute.

Mr. DILLON. But would not that same specification apply to all fish of that class?

Mr. HADLEY. The statement is true as to all fish of various classes. I will say to the gentleman I do not think that there is any controversy here about that.

Mr. DILLON. I do not see how you can make the statement that it is the same fish unless you mark that fish.

Mr. HADLEY. Mr. Chairman, I shall not follow that discussion, because it is only incidental; it is an academic discussion, and one which would take too long to go into further than as I have stated.

Now, these fish, when they return from the open sea, skirt the shores of Alaska. They not only skirt the shores of Alaska, but they fill the waters for miles in front. I know how it is with respect to the habits of salmon on Puget Sound. The entire body of Puget Sound, during the time the schools of fish are running, is alive with fish—millions and millions of them. They are not merely in front of the river, to which they return, or the stream. They are caught wherever it is permissible by law to plant an appliance, and wherever it is practicable to place an appliance, so that it can be driven to catch them. You can take the fish wherever you can find them, and the waters are full of them during the period of time in which they are running. And so, while the most of these fish are taken immediately along near the shores of Alaska, so far as trap fishing is concerned, nevertheless there are other varieties of appliances which have not been referred to here which have a great deal to do with the merits of this bill.

Mr. HAMILTON of Michigan. Taking into consideration the habits of the saloon, it is possible, therefore, to deplete wholly the fish supply of a river, so far as salmon are concerned.

Mr. HADLEY. It is possible, and it is possible to maintain that supply beyond the possibility of depletion, in my opinion.

Mr. HAMILTON of Michigan. The observation of the gentleman is that below Puget Sound, down the coast, the salmon have practically disappeared, or at least below the Columbia River.

Mr. HADLEY. I am not so familiar with that as with the fishing on Puget Sound, but I know they have had difficulty in maintaining the supply.

Mr. HAMILTON of Michigan. So that by establishing these nets at the mouths of well-known streams—that is, streams where the salmon come—it would be possible eventually, of course, to catch the whole fish supply, and that has happened along the Pacific coast.

Mr. HADLEY. If the mouth of the stream were so obstructed, and the want of regulation were such that the salmon had no opportunity to ascend the stream, necessarily it would follow that in due course that particular stream would be absolutely depleted. But that is not the case here, and that is what this bill seeks to avoid.

But I was saying, before coming to that, that there are several forms of appliances that have not been referred to, other than the pound net or fish trap. The fish trap or pound net takes only about 50 per cent of the fish taken in southeastern and central Alaska. The figures are set out in the committee report. In western Alaska the pound net takes only about 7 per cent of the fish which are taken. The balance in the several fishing sections are taken by purse seines, by gill nets, by stake nets, and set nets. There are three varieties or kinds of appliance to which no reference has been made which are taken care of in

this bill along with the pound net. The stake net is a gill net placed upon stakes in the water. The set net is a gill net attached to a buoy or anchor, while the purse seine is operated by boats, and those who operate purse seines may take fish without limit wherever they may find them.

Mr. WICKERSHAM. Is it not true that this bill provides that upon a trap site the trap-site owner shall have the exclusive right of fishing, and that under the penalty of the law none of these other appliances may come upon those grounds?

Mr. HADLEY. Exactly. The trap-site owner has the exclusive right, so long as his right is maintained. That is subject to certain conditions of maintaining and operating that location. But it is also true that other appliances operated by boat may follow and pursue the schools of fish wherever the operators find them, into the vicinity of the trap location, so that the schools of fish are often broken up and scattered throughout the waters, and driven hither and thither, with the result that the trap is unable to take the fish in any successful quantity. That does not always follow, of course, or the traps would go out of business; but under the development or application of motor power in the last few years the movable appliances for fishing have practically revolutionized the fishing business on Puget Sound and they will do it in Alaska, because whereas nearly all of our fish in Puget Sound were formerly caught under a similar act by fish traps, now the industry has been modified so far by the operation of fishing boats and the taking of fish by other appliances as greatly to reduce the catch of the fixed appliances.

The fixed appliance has the exclusive right in the spot where it is set, but it can only take such fish as come to it. The movable appliances may go wherever they will and secure the fish wherever they may be found; and, so far as purse seines and gill nets are concerned, operated by power, the result is that on Puget Sound it has become a serious question whether trap or pound net fishing, which was formerly so much in favor, will continue to remain in favor in the future. It is a serious question whether under these conditions the method of catching fish by pound nets will not be entirely abrogated in course of time or become so far impracticable as to be superseded entirely by the movable appliance. The experience on Puget Sound, however, has demonstrated that it is very desirable to maintain all forms of fishing appliances which we have, to diversify the forms so that if one fails we will have the benefit of another. Trap fishing is a matter of a good deal of uncertainty. It costs a good deal of money to set a pound net. It costs perhaps from \$5,000 to \$10,000 in Alaska fishing, according to the condition of the bottom and the state of the tide. There are many times when, after the trap is set and it is just ready with the web for taking fish, the trap is swept out and lost entirely for the season by the action of storms, because the piles must come from Puget Sound or somewhere down in the States, and must be driven. The trap is constructed annually. If the stakes or piles are not drawn at the close of the season, the tide and the action of the water take them out.

While speaking of this method of taking fish I want to allude to the subject of monopoly. I think the conclusion practically follows from what I have said that there is a physical and practical situation, based upon the condition of the waters and the habits of the fish, that effectually, without any legislation, so long as these forms of fishing are pursued, prevents any real monopoly of the fish in the waters; because, as I have said, these other forms of fishing, paralleling the catch of the fish trap, are now catching in western Alaska 93 per cent of the fish in Bristol Bay and the Bering Sea region and some 48 to 52 or 53 per cent of the fish caught in central Alaska and southeastern Alaska.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. HUMPHREY of Washington. I would like to have my colleague, if he will, point out in the bill any provision that tends to a monopoly of this fishing industry in Alaska, as claimed by the Delegate from Alaska. I would like to ask him if there is anything in this bill that repeals any part of the antitrust law?

Mr. HADLEY. There is nothing whatever touching the antitrust laws. They remain absolutely intact, as they are. This only deals generally with the fisheries subject, and there is nothing in the bill which amplifies or creates a possible monopoly beyond what exists to-day, and I do not believe that such a monopoly exists now.

Mr. WICKERSHAM. There is nothing in the bill to prevent one company or corporation from owning all the trap sites, is there?

Mr. HADLEY. Under the present law there is no limitation on what they may do and none under the new law.

Mr. WICKERSHAM. But we have the antitrust law now, and this would legalize the trust, would it not?

Mr. HADLEY. There is no trust, so far as I know, in Alaska. There are many independent concerns, irrespective of those that the gentleman from Alaska has named. Many of them were mentioned in the hearings, and there are many of which I have personal knowledge.

Now, let me say in respect to the limitation of the traps. In Washington, after an experience of many years, limitations which we had heretofore on the number of traps were removed. We abrogated them because the development of the classes of fishing was so prejudicial to the pound-net fishing that the reason for establishing the limitations did not longer exist.

Mr. MONTAGUE. Will the gentleman yield?

Mr. HADLEY. Certainly.

Mr. MONTAGUE. Is there any limitation in the bill or under existing law on the number of pound nets that can be set, not by the individual owner, but upon the whole number?

Mr. HADLEY. None at all, except in an indirect way, which I will state. There is a provision that there must be a lateral passageway of 2,400 feet and an end passageway of 600 feet between all the pound nets or traps. There is also a specific provision for the passageway between stake nets and pound nets.

Mr. MONTAGUE. But there is no limitation other than the physical arrangement?

Mr. HADLEY. No.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. ALEXANDER. I will yield to the gentleman from Washington 15 minutes more.

Mr. MONTAGUE. Will the gentleman yield further?

Mr. HADLEY. Certainly.

Mr. MONTAGUE. I wish to ask if it would not be wise to lodge the power in some official agency to pass upon the number of pound nets that should be put out?

Mr. HADLEY. The only difficulty about that is that you would be passing upon something in the dark. We are advised at this time that the provisions of the bill will take care of the situation. We propose to limit the law by an amendment suggested by the gentleman. We were of the opinion that it was sufficiently limited before, but to set it absolutely at rest we propose to provide for the repeal of all existing rights.

Mr. MONTAGUE. The gentleman will appreciate that when you get the repeal of the law you will then have reached the destruction of the fish, at least I fear that.

Mr. HADLEY. Not necessarily. Now, Mr. Chairman, I want to discuss one other phase of the matter.

Mr. EMERSON. Before the gentleman leaves this point I would like to have him yield for a question.

Mr. HADLEY. I will yield to the gentleman.

Mr. EMERSON. I presume the representatives of these fishing interests in the waters of Alaska were before the committee.

Mr. HADLEY. There were some gentlemen representing those interests who appeared before the committee.

Mr. EMERSON. What did they have to say about it?

Mr. HADLEY. They were favorable to the provisions in the bill, although upon the subject of taxation there was a sharp difference as to what ought to be done. Some gentlemen representing the fishing interests in Alaska were not favorable to the scheme that we have adopted, but I have not time to go into the question of taxation.

Mr. EMERSON. What the gentleman from Alaska [Mr. WICKERSHAM] says about the fishing interests in Alaska being for this bill is true, is it not?

Mr. HADLEY. I have no knowledge of any opposition from any source other than that stated by the gentleman from Alaska.

Mr. KENT. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. KENT. I understand the gentleman to say that in putting restriction upon the nets the committee would be acting in the dark.

Mr. HADLEY. I said upon the question of fixing a specific number in the waters the committee would be acting in the dark.

Mr. KENT. Under the terms of the bill you specifically give vested rights in certain locations, and then the bill provides at the end that the rights may be terminated by the general repeal clause. That is the only thing that sheds any light upon that matter.

Mr. HADLEY. There are several provisions in the bill under which trap sites would be lost; the failure to fish for more than two years constitutes an abandonment, and they are lost. The reason for the limitation of two years is that the humpbacks do

not run annually, so it is not required that they shall fish every year.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HADLEY. I will yield to the gentleman, and then I decline to be interrupted further.

Mr. MOORE of Pennsylvania. The gentleman has such a comprehensive view of the situation that I would like to ask him why in section 6, where the right to locate these nets is given to any person, who might be a Canadian—in view of the fact that we are in controversy now with Canada over the Alaskan fisheries, why should it not be limited to citizens of the United States?

Mr. HADLEY. My understanding is that it is restricted by another statute. If there is any doubt about it, it can be clarified before the bill is amended and passed. So far as I am concerned I am in accord with the gentleman's idea upon that matter.

Mr. MOORE of Pennsylvania. The gentleman understands that if the permit were given to the Canadians, and that right passed to their heirs and successors, it would make a serious question in the course of time.

Mr. HADLEY. Quite true; and now, if gentlemen will refrain from interrupting me for the few moments I have left, I shall be glad to answer questions if I have time after I get through.

One word more about the trap sites. These passageways, which the committee in the framing of the law has provided for, are specifically intended to be in the interest of the conservation of the industry and of the perpetuity of the source of supply. With 2,400 feet laterally on either side of the pound-net location the fish have some opportunity for escape, and they do escape if they are not moved about too much by the movable appliances, and, if they are, that is not the fault of the pound net, to which criticism has been directed. Similar lateral and end ways have been provided as to all forms of appliances. I think if the committee will look into the matter under the five-minute rule in an analysis of the language of the bill they will find every substantial provision made for conservation and permitting the fish to get to the rivers. After the fish have passed all of these appliances, and it may be hundreds and hundreds of miles, they reach finally that place where they school around the mouth of rivers, to which reference was made a while ago. Just outside the mouth of the river they are there found in great quantities, and it was the opinion of the bureau and of the committee after consideration of its recommendations that there were not sufficient restrictions and limitations upon fishing in the rivers of Alaska or at the mouths of the rivers. Those limitations have been modified and other new ones have been made. The result is that the statement of the gentleman from Alaska [Mr. WICKERSHAM] that outside of this method of giving a fixed pound net exclusive right for a limited time there is no arrangement looking to the conservation of the industry is an erroneous statement. Not only that, but there is provision in this bill for taking over the private hatcheries of Alaska. There have been five of these operated until recently, and I believe now only four. An arrangement is made for the taking over by the Government upon an appraisement, or, if they can not be purchased, then by condemnation under a system which may be better understood by reading the bill.

The Government itself has two hatcheries at the present time in Alaska. They are not adequate, and the Bureau of Fisheries feels that the administration of all these hatcheries should be under one authority, and that the administration would have better effect and better results would be obtained if these hatcheries were taken over. Under the present system they are maintained by private industry, and 40 cents is allowed for every thousand fry liberated each year, upon proof and certificate issued. When you come to analyze this bill and compare it with the old law in Alaska, you will find many provisions in the new bill looking to the preservation of the industry and to preventing its depletion which were not in the old law, and that is the only reason the bill is here. That is why the department has recommended it, and it has recommended it in the light of its own observation and experience, and it believes this adequately takes care of the situation. If we have not taken care of it, then it is the desire of the committee that the bill should be made such that it will take care of it; but we are of unanimous opinion that, until further developments under the bill, it will establish a system which will preserve the industry as it is and will permit of its growth and evolution and will also preserve and perpetuate it. In the State of Washington I can remember when there were not over 100,000 cases of fish packed on all of Puget Sound. In 1913 in the State of Washington we had an output of \$15,000,000 in the fishing industry. We have maintained it unimpaired. I do

not want it understood that that is the output for every year. There our chief fish is the sockeye, which runs mainly every four years, and in the intervening years our source of supply embraces smaller runs of sockeyes, and also those of a cheaper grade of fish. But we have maintained unimpaired the run of the fish and the scope of the industry, and we have maintained this identical system which is provided for in this bill for many years; that is, it is identical except so far as the bill has been reapplied or adapted to conditions in Alaska. It is substantially this same kind of a measure, so that we have not only the recommendation of the department here, but we have a bill based upon a successful administration in the State of Washington, and in many particulars in the State of Oregon, for many years.

Up until about 1905, I think it was, in the State of Washington we had what they now have in Alaska. We had an indifferent sort of an arrangement, so that no one felt that he had any security in his rights for any time, limited or unlimited, and there was confusion, there was litigation, and after the passage of various bills we finally evolved a code which provided substantially this method for the location of traps and other nets, and substantially this method of operation; and under that code, for 11 years, I think it is—at least, for a good many years—this industry has been preserved without any impairment whatever, as far as the people have been able to ascertain, because in the recurring years each year the source of supply is up to the standard of the corresponding previous year, whatever the year may be. Under the present situation in Alaska it seems to me that the proper thing for Congress to do is to adopt a measure that has the warrant of experience and the recommendation of scientific men and those familiar with the industry, and then test it upon that basis, and if it is not right make it right in the light of subsequent experience.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. REILLY. Under the present system the fishing industry has developed in Alaska to such an extent as to make the depletion of the supply a serious question.

Mr. HADLEY. Yes; it is thought that legislation is necessary to prevent depletion.

Mr. REILLY. What more is necessary than to incorporate the provision you have in this bill, as to the location of pound nets?

Mr. HADLEY. The question of taking over the hatcheries, the question of the obstruction of streams, the question of fishways in the streams, which is also new, and no reference was made to that by the gentleman from Alaska [Mr. WICKERSHAM], and the question of keeping fishing away from the mouths of the streams for 1,500 feet—all these are matters of importance. Formerly the latter provision applied only to the redfish of Alaska, and to no other, and those redfish were mostly all caught in Bristol Bay and Bering Sea.

This bill is full of provisions for the conservation of fish that do not exist under existing law.

Mr. REILLY. If that is true, what occasion is there for giving the people who locate these pound nets the rights you give them under this bill—

Mr. HADLEY. Will the gentleman kindly restate that?

Mr. REILLY. What occasion is there for giving the men who locate these pound nets the rights you give them in this bill, inasmuch as they have located up to date more nets than they should locate in the best interests of the industry—that is, in the perpetuating of the industry?

Mr. HADLEY. In the first place, it is necessary to deal with the question of passageways. Under existing laws we have passageways of only 1,800 feet—

Mr. REILLY. That is true, but—

Mr. HADLEY. I am coming to the question. The man who locates any form of appliance—I do not care whether it is pound, stake, or set net, or any form of appliance—has no assurance for the future. Now, you could locate your pound net to-day. It is a question of possession under the common law—a possessory right. Under this law you are given a method whereby you can reestablish a location another year, or in the midst of a season, if the property shall have gone out under tide or storm, a surveyor may go and relocate it at the proper place. Litigation has been going on for years in Washington until we adopted this system. The courts were full of cases in every county where the fishing industry obtained until we adopted a method such as we have in this bill. In regard to the question of the right being transferable, why should not all property rights, whether unlimited or limited, whether for an unlimited or limited time, be alienable? Why should they not be transferable? We have nothing of that kind provided under the existing law,

but why not put the industry simply upon the ordinary basis of ordinary business?

Mr. REILLY. Without that provision, is it not possible to put in all that is necessary, and more than necessary, to protect and perpetuate the industry? That is the principal objection the Delegate from Alaska has to this bill.

Mr. HADLEY. But the difficulty has been that there has not been heretofore sufficient provision made for conserving the sources of supply. Why, on the coast of Alaska—I suppose it must be 1,500 miles from Juneau, out in western Alaska; I do not know the exact distance—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. BOWERS]. [Applause.]

Mr. BOWERS. Mr. Chairman, this bill is a step in the right direction, for the purpose of the protection, regulation, and conservation of the Alaskan fisheries. For 15 years past the Bureau of Fisheries has endeavored to secure proper legislation for Alaska. Invariably opposition has come from unexpected sources. The charge has been made that when the effort has been made by the Bureau of Fisheries that sinister motives were behind the conclusions of the bureau. I am here, Mr. Chairman, to refute that charge. I believe the men of the Bureau of Fisheries, the governmental officials, are better qualified to pass upon this subject than any other class of people in this country. The question of taxation arises. This is a small tax levied upon the cannery men for that purpose. Two-thirds of this money is expended in Alaska for Alaskan purposes. The other one-third is expended for the benefit of the hatcheries of Alaska. I am one of those who believe that the hatcheries in Alaska have been most beneficial; that they have been the means of conserving the great food supply in Alaska. When we take into consideration that \$18,000,000 a year worth of food fishes of Alaska are the property of the United States, not of Alaska, I am not one of those who believe that Alaska should have control of those fisheries. These salmon come from the sea to spawn, and when they spawn they die—the male as well as the female. After a brief period—five or six months—the small salmon go back to sea. After a period of four years they come from the sea to the fresh waters of Alaska. Nature has provided that they should go to the Alaskan waters. The reason why belongs to Nature herself to answer. It is proper that these fish should have proper conservation and proper protection. This bill is right; this bill is not fostered nor brought in in the interest of any monopoly. There are 85 canneries in Alaska. Any man or corporation who sees fit to enter into the canning business in Alaska is given the privilege under this bill. The men who are members of these great corporations are not, as some people would have us believe, taking advantage of every condition. The immense sums of money invested in the fisheries of Alaska have only in recent years given much of a dividend as an output from the investment. The Alaska Packers' Association, which seems to have been the center of controversy here, is composed—I know some of the stockholders—of very good people. They are interested in Alaska; they are interested in the conservation of the fisheries. I do know of my own personal knowledge, in the neighborhood of Loring, a hatchery was built and this packers' association expended \$120,000 long before this tax was in effect. Why was that done? To conserve and preserve the supply of salmon. If this bill passes, it places under governmental supervision the control of the fisheries of Alaska where they properly should be. I know of no reason why they should be elsewhere. I see no reason whatever advanced on the floor of this House why this should not be done. I favor this bill. I believe it is right, and I hope, gentlemen, it may be the pleasure of this body, irrespective of party, to pass the measure. [Applause.] I yield back the balance of my time.

Mr. ALEXANDER. I yield back to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman, there are one or two matters in connection with this bill to which I wish briefly to call the attention of the members of the committee. First, I will answer the question that was asked by the gentleman from Pennsylvania [Mr. MOORE]. He wished to know why we did not limit the authority to fish in the waters off Alaska to American citizens. I will say to the gentleman that we did not put that provision in the present bill for the simple reason that that is already provided for by existing law.

Mr. WICKERSHAM. Will the gentleman answer the question, then, by saying where it can be found?

Mr. SAUNDERS. I will give the gentleman the act. It is the act of June 14, 1906, and it reads as follows:

That it shall be unlawful for any person not a citizen of the United States—

And so forth—

to catch or kill—

And so forth—

in the waters of Alaska.

Mr. KENT. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. KENT. I want to ask a question in regard to that.

This bill provides that the heirs, lessees, and assigns, and all others who may come into these rights, may exercise them. How about a foreign mortgagor for closing under this provision? Would not he be an innocent third party and have a right?

Mr. SAUNDERS. Will the gentleman restate that?

Mr. KENT. The bill provides that all the rights here obtained either may be assigned, leased, or foreclosed by mortgage. Would not the third party come in there in the event of a foreigner having a mortgage?

Mr. SAUNDERS. Do you mean that he would get some rights by reason of having a mortgage?

Mr. KENT. Yes.

Mr. SAUNDERS. That is a question of law that I will take up later.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. MOORE of Pennsylvania. The gentleman states that there is an existing law?

Mr. SAUNDERS. Yes. It is the statute of June 14, 1906.

Mr. MOORE of Pennsylvania. That law having been passed, then I would ask the gentleman whether this act, if enacted into law, would not supersede that act?

Mr. SAUNDERS. Not at all.

Mr. MOORE of Pennsylvania. Then that law would stand?

Mr. SAUNDERS. They are not in conflict. This law would supersede any law with which it was in conflict, but no one would construe the pending measure to give any right to a foreign citizen that was not given him under the act of 1906.

Mr. MOORE of Pennsylvania. What objection would there be to amending section 6 so that it would read, "That any person being a citizen of the United States"?

Mr. SAUNDERS. So far as I am concerned, I do not know that there would be any objection to that. It would be a superfluity. There is no necessity for the amendment.

Mr. MOORE of Pennsylvania. There happens to be a conflict now between West Rupert and Seattle. It is contended the Canadian fishermen are having undue advantage over American in some respects in regard to ports and the proximity of the fishing grounds. It may be in consequence of that controversy, unless we had existing permanent law, that this paragraph 6 would permit a Canadian, or a person not a citizen of the United States, to obtain the right to locate these nets.

Mr. SAUNDERS. Of course I am not familiar with the controversies to which the gentleman refers, but the act of 1906 is as follows:

Be it enacted, etc., That it shall be unlawful for any person not a citizen of the United States, or who has declared the intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association—

And so forth.

Mr. MOORE of Pennsylvania. And it is the opinion of the gentleman that that law would hold, notwithstanding the passage of this act?

Mr. SAUNDERS. I would think so. As I said a moment ago in respect to accepting the amendment, I do not know that there would be any objection to including it in this law. But it strikes me that it will be a superfluous addition.

In respect to the revenue raised by this measure, I desire to say to the committee that the direct needs of the Territory of Alaska are liberally provided for out of the same. This revenue is divided into two parts, of two-thirds and one-third each. Out of the two-thirds every dollar that will be raised under this law in a municipality, will be turned over to the municipality, for city purposes. The balance of the two-thirds will be turned over to the government of the Territory of Alaska. It is provided that the one-third shall be handled and disposed of by the Government for the purpose of maintaining the hatcheries in Alaska, and conserving the fishes in the waters adjacent to the Territory. So that all of this money will be expended for the direct and immediate interests and development of the Territory of Alaska, and upon the waters that are local to that particular Territory. I think no objection can be raised to the manner in which the funds that this bill proposes to raise will be expended and distributed. In respect to the suggestion that has been made that this bill will allow the development of some great corporation able to strangle and destroy the fishing business in Alaska, I wish to say that the gentlemen who raise this

objection lose entire sight of the fact that no one can operate canneries in Alaska, or use their outfit for fishing in the waters of Alaska, without first obtaining therefor a license from the Secretary of Commerce. Those licenses expire on the 31st of December of every year.

Now, is it thinkable that any concern that is using its plant to destroy the fishing industry of Alaska, or in any manner prejudicial to the interests of Alaska, will have its license renewed, or if it is a member of an unlawful trust, or combination, will be able to secure an original license? This measure leaves the authority to issue a license in the hands of the Federal Government, and unless you believe that the Government, or that arm of it which will deal with this subject matter, is likely to abuse its discretion, there need be no occasion for apprehension.

Mr. WICKERSHAM. Will the gentleman yield?

Mr. SAUNDERS. I will.

Mr. WICKERSHAM. Do you find any authority in this bill which would give the Secretary of Commerce the right to refuse a license to any person or corporation who has obtained one of these trap-site locations?

Mr. SAUNDERS. Why, certainly.

Mr. WICKERSHAM. Upon what authority?

Mr. SAUNDERS. I will give you the reference. It is page 4. In the first place, as I said, the leases are annual. They expire on December 31 every year.

Mr. WICKERSHAM. It is also provided that he may renew that, too.

Mr. SAUNDERS. He may renew them. I admit that the Federal Government, through collusion, could build up a great monopoly that would be destructive of the very interests that we are seeking to conserve. I admit that. But you will find on page 2 that the leases shall not be issued by the Secretary of Commerce to any person not qualified by law.

Now I renew my inquiry, Is it thinkable that an applicant who is a member of some great trust under the ban of the law would be granted a license by the Secretary of Commerce? Or that anyone who has obtained a license, and in his operations under that license has abused the privileges that have been extended to him, and operated to the prejudice of the larger interests of Alaska by his oppressive and injurious methods, would be able to secure a renewal of that license?

Mr. WICKERSHAM. That is not the question. The question is, Has he any authority to refuse the license?

Mr. SAUNDERS. Of course he has.

Mr. WICKERSHAM. Where is the authority?

Mr. SAUNDERS. It is found in that language that I read. It says that "any person not disqualified by law." Do you imagine that a person who is a member of a trust forbidden by the laws of the United States would not be held by the Secretary of Commerce to be disqualified by law from receiving a license at the hands of that department?

Mr. BENNET. Mr. Chairman, will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. BENNET. Is it the gentleman's construction of section 2 that these licenses have to be granted annually?

Mr. SAUNDERS. Certainly.

Mr. BENNET. Is not the correct construction of such an act—I am asking a purely legal question—that the license when granted can be thereafter retained indefinitely by the payment of the annual fee?

Mr. SAUNDERS. There must be a formal renewal of the license. I will answer the gentleman's question by asking one. Is it his idea that the renewal of a license would stand on a different footing from the application for the original license? If you think this, and if in the consideration of the act it is ascertained that such might be the case, the situation can be readily corrected by an amendment.

Mr. BENNET. That is what I was going to ask the gentleman. Would it not be safer to carry out the gentleman's idea—and he may be correct—to put in, after the word "issue," upon line 9, page 2, the word "annually," so that it will read, "shall be issued annually"?

Mr. SAUNDERS. If the amendment is necessary then, so far as I am concerned, I am agreeable to it. On page 6 the bill says, "All licenses shall expire on the 31st day of December of the calendar year for which issued," and I imagine that the license would be issued in such form as to conform to that requirement.

Mr. BENNET. I think the intent is clear, but I take it that the amendment I have suggested would make it definite and certain.

Mr. SAUNDERS. I do think that the meaning of the bill is clear, definite, and certain.

Mr. WICKERSHAM. Mr. Chairman, will the gentleman yield?

Mr. KENT. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. KENT. If these licenses are annual and granted from year to year, would there be a right constituted that would be worthy of mortgage and transfer to heirs and assigns. If it is only an annual license, what is to become of the posts and piles?

Mr. SAUNDERS. The bill requires an annual license. On considering this measure, the committee should have in mind an amendment already referred to, and unanimously reported. I imagine from the temper of this House that the Members will unanimously agree that this amendment shall be added to the bill. This amendment is as follows:

All rights granted by this act shall be subject to amendment, or alteration by Congress.

This amendment may be considered as practically already in the bill, as it will undoubtedly be agreed to, when offered.

Mr. KENT. Is it not the same kind of a provision that appears in our laws as to bridges over navigable streams, to the effect that the privilege of constructing and maintaining a bridge can at any time be altered or withdrawn or annulled? What advantage is there to the grantee under a license that would merely give him one year's right, when he has gone to the expense of driving piles and investing in all the expensive machinery necessary to get his fish? If that is but one year, why should he do it?

Mr. SAUNDERS. The gentleman from California seems to occupy a different attitude from that of some of the other critics of this bill. Would the gentleman advocate an amendment that would make it impossible for the Government to limit or abrogate these rights?

Mr. KENT. I am trying to stand for a measure that will permit the reasonable use of this property with due protection to the property, and I do not believe that you can get that reasonable use by an annual license for the conduct of an operation which involves expensive machinery for getting the fish. I take it that this is a perpetual right, barring that provision at the end, which is merely perfunctory, and is so generally considered.

Mr. SAUNDERS. I will say to the gentleman that we often use this language in the State that I come from, in granting charters. It is anything but perfunctory. It gives to the legislature the absolute right to cancel or annul a charter without creating any claim for compensation.

Mr. KENT. Then, your idea is that every year the Congress or the department can come in and make new terms for a new lease?

Mr. SAUNDERS. Certainly as to Congress. So far as that moral obligation of which you speak, is concerned, nothing that we can do, no language that we can use, can prevent a claim from being urged on that ground. But if the Government of the United States chooses to abrogate a lease under this act at any time, no legal claim can be urged for compensation.

Mr. KENT. If the lease expires, it must be renewed every year?

Mr. SAUNDERS. It will be necessary to renew the license. A firm, or individual, can not operate his fishing apparatus without a license. That license must be renewed every year.

Mr. KENT. It must be a new license every year?

Mr. SAUNDERS. It must be.

Mr. KENT. I would not like to see that in the bill if I am expected to vote for it.

Mr. WICKERSHAM. Mr. Chairman, will the gentleman yield now?

Mr. SAUNDERS. Yes.

Mr. WICKERSHAM. On page 8 of the bill, beginning in line 6, there is a provision which reads as follows:

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

Is that an exclusive right, to renew the license therefor every year?

Mr. SAUNDERS. For that particular grant?

Mr. WICKERSHAM. Yes.

Mr. SAUNDERS. I should say so.

Mr. WICKERSHAM. Then how can the Secretary of Commerce take it away from him?

Mr. SAUNDERS. That means he shall have the exclusive right to make application.

Mr. WICKERSHAM. Oh, that is not what it says.

Mr. SAUNDERS. I think that is what it means.

Mr. WICKERSHAM. It says "renew."

Mr. SAUNDERS. He has the exclusive right to make a renewal. In other words, one of these locators could not come in and ask to have somebody else's location given to him, if the other party is seeking a renewal. The department can not entertain your application to the exclusion of my prior right to ask for a renewal.

Mr. KENT. Now, we find the gentleman is of the opinion that nobody else but the original locator can make application.

Mr. SAUNDERS. That is precisely what I did say. When a man makes a location, he must go back year after year, to get a new license therefor, if he wishes to continue business at that particular place.

If he secures a renewal, why, he will continue to operate. An outsider can not come in, and make a successful application over his head, if the first locator is conforming to law. So far as these locations are concerned, the analogy is that of the mining laws. A man goes out, and locates—

Mr. KENT. But if a man leases a store for a year, and nobody else can lease that store, and he can renew the lease once a year, he has an indefinite license.

Mr. SAUNDERS. Not a bit of it, because at the end of that year that same party must return and make application for a renewal. He can renew it so long as he conforms to law. But the Government can abrogate his rights by act at any time, if it deems that the public interests are suffering.

Mr. KENT. What happens next?

Mr. SAUNDERS. He can not get his renewal, that is all. He is wound up. That will be the end of him, and his attempt to establish a monopoly, or do some other thing harmful to the public interests.

Mr. FORDNEY. I want to say, for the benefit of the gentleman from California, that Canada issues such licenses in timber and other matters controlled by the Government, all of which expire each year, the 1st of May. But the applicant has the sole right to have a renewal for another 12 months by complying with the law and by paying the annual tax—

Mr. SAUNDERS. That is this law.

Mr. FORDNEY. And by complying with other conditions. No other person has a right to make application so long as the first applicant fully complies with the law. That would be exactly the case here.

Mr. KENT. That constitutes practically a perpetual lease, on carrying out the conditions of the license.

Mr. FORDNEY. So long as you comply with the law, and make a lawful application.

Mr. KENT. Then there is never any opportunity for new terms.

Mr. FORDNEY. Not so long as the original applicant complies with the law.

Mr. KENT. Then that is a perpetual lease?

Mr. FORDNEY. No; it is not a perpetual lease, because it expires every year, but there is a moral obligation—

Mr. SAUNDERS. How can a thing be perpetual, which is required to be renewed every year, and which may be abrogated by the Government at any time?

Mr. FORDNEY. There is a moral obligation to renew it, and nothing else.

Mr. WICKERSHAM. Mr. Chairman, I have an amendment which I desire to offer.

Mr. SAUNDERS. Mr. Chairman, if any portion of the bill has been read, I will make a motion to strike out the last word, or the last two words, or the last three words, so that I may continue my remarks.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last three words, and is recognized for five minutes.

Mr. SAUNDERS. Responding further to the statement made by the gentleman from California, I will again ask how a thing can be said to have the quality of perpetuity, when by the very law under which a man secures his original license, he must return annually to secure permission for further operations?

Mr. KENT. Exactly the same as the 999-year leases in England, that were dependent on the presentation to the sovereign of two hams annually. The tenant had to go and present those hams to the sovereign at the end of the year, and by doing so he had a perpetual lease, exactly the same as here.

Mr. SAUNDERS. But in this case, in order to secure a permit for further operations, the applicant must conform to law, and that law may be changed at any time. Once the 999-year contract of lease was made, the lessor could not change it.

Mr. KENT. I should like to ask the gentleman one more question, and then I will let him go. Supposing the time should come when the Government believed that these lessees, concessionaires or whatever you call them, were catching too many fish. What is there in the bill that provides that the Government may cut down their catch of fish in the interest of preserving the fish?

Mr. SAUNDERS. There are two answers to that. In the first place the Government could refuse to grant a license and thereby prevent any fishing for the period of a year, thus giving the fish a chance. In the second place, even if it is conceded that the department could not refuse a license, that condition could not endure for more than a year, or the representations of the Department of Commerce could afford the appropriate legislation.

Mr. KENT. Would it not be a great deal better to leave some flexibility of tenure to start with?

Mr. SAUNDERS. Why, no. It will be much better to allow Congress to deal with these conditions as they may arise. It is utterly impossible to forecast all the possible circumstances and conditions that may confront us hereafter. It will be much better to give the power to Congress to deal with the situation when the emergency arises than to undertake to anticipate conditions which the wit of man can not possibly forecast. This bill makes ample provision for the preservation of the public rights and interests.

The CHAIRMAN. The formal amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 2. License fees and taxes: That the licenses required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees:

For each canning, mild-curing, salting, smoking, fish-freezing, whaling, or other wholesale fish-dealing establishment, for each fish fertilizer and fish-oil works, and for each other fishery establishment, except retail markets, not herein specified, \$5.

Mr. WICKERSHAM. Mr. Chairman, I have an amendment.

Mr. ALEXANDER. We are considering the bill by sections, and I suggest that the Clerk read the remainder of the section.

The CHAIRMAN. The Clerk will conclude the reading of the section.

The Clerk read as follows:

For each pound net, \$50; for each fish wheel, \$25 (except small wheels in the Yukon and Copper Rivers of the type heretofore used, \$2); for each purse seine, \$25; for each beam trawl or other trawl net, \$10; for each gill net boat and equipment, \$2; for each stake net, \$2; for each set net, \$1; for each drag, haul, or beach seine 500 feet or less in length, \$3, and for each additional 500 feet in length or fraction thereof, \$5; for any other kind of fishing appliance used in taking food fish or shellfish, each, \$1.

Every person engaged in the business of canning salmon or other food fish or shellfish shall, by December 31 of each year, also pay a tax on the output for such year as follows, according to species: King, chinook, or spring salmon, and red, sockeye, or blueback salmon, 6 cents per case; coho, silver, or medium red salmon, and steelhead salmon or steelhead trout, 5 cents per case; chum or keta salmon, and humpback or pink salmon, 4 cents per case; all other food fish or shellfish, 4 cents per case.

Every person engaged in the business of curing or preserving fish, or manufacturing fishery products, except by canning, shall, by December 31 of each year, also pay a tax on the output for such year, as follows: Mild-cured salmon, \$1 per tierce; pickled salmon, 20 cents per barrel; salt salmon in bulk, 5 cents per hundred pounds; salmon and trout frozen, iced, or otherwise preserved and not hereinbefore specified, \$1 per ton, round weight; whale or fish oil, 10 cents per barrel; fertilizer or meal made from whales, fish, or aquatic products, other than kelp, 50 cents per ton; salt cod, 50 cents per ton; pickled herring, 10 cents per barrel; salt herring in bulk or otherwise, 25 cents per ton; all other prepared products not hereinbefore specified, 25 cents per ton.

The license fees and taxes imposed by this tax on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Mr. WICKERSHAM. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WICKERSHAM: On page 2, in line 15, strike out "\$5" and insert "1 per cent upon the valuation of real and personal property, the assessment and levy to be made by the Territory of Alaska in the same manner as other property is taxed."

Mr. WICKERSHAM. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. ALEXANDER. I desire to reserve a point of order on the amendment.

Mr. WICKERSHAM. Under the provisions of this bill the sum of \$5 is all of the real-property tax which is levied against a cold-storage plant or a cannery or whale-fishery plant in the

Territory of Alaska. The last provision of this section, on page 4, is that—

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

Section 22 of the bill provides that the Territory of Alaska shall not impose any license fees or taxes upon any property, real or personal, used in said business of fishing in the Territory of Alaska. That is in line 20 of that page. So if this bill should pass, leaving only \$5 tax against each of these great fishing plants or cold-storage plants in Alaska, our Territory will lose the difference between 1 per cent of the assessed value of the property and the sum of \$5. I call attention of the House to the fact that there are \$10,000,000 worth of shore property in the Territory of Alaska. The report of the committee shows that there are 148 plants in Alaska, and at \$5 a plant they would only pay \$740 upon \$10,000,000 worth of shore real property. The people of the Territory have to pay 1 per cent, and I do not know of any rule in equity or justice which would justify this House in rebating the taxes of these big fishing plants. It is for the purpose of striking out \$5 and having the real estate belonging to the big canneries in Alaska taxed exactly as other residents are taxed on real and personal property that I offer this amendment. The fair thing to do is to tax all alike.

Mr. BUTLER. Does the gentleman's amendment include real estate?

Mr. WICKERSHAM. It includes all the property. There are \$37,000,000 worth of fisheries property, and a 1 per cent tax would make \$370,000 a year.

Mr. JAMES. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. JAMES. Section 2 of the bill reads as follows:

That the licensee required by section 1 shall be issued by the Secretary of Commerce to any person not disqualified by law on application and the payment of the following annual fees.

I would like to ask the gentleman who, in his opinion, is disqualified by law for a license?

Mr. WICKERSHAM. Nobody but aliens. If the gentleman from Virginia is correct in saying that the alien law passed in 1906 applies, that would disqualify the alien, but nobody else is disqualified.

Mr. KENT. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. KENT. Is there anything in the bill which puts it in the power of the Government to say to a concessionaire or a licensee that he shall not catch so many fish?

Mr. WICKERSHAM. There is not.

Mr. STAFFORD. As I understand, the gentleman's amendment proposes to levy a tax not only upon real estate, but the personal property. Do the residents of Alaska pay a tax upon real estate?

Mr. WICKERSHAM. Outside of the incorporated towns they pay 1 per cent and within the municipality they may pay 3 per cent—2 per cent to the town and 1 per cent to the Territory.

Mr. ALEXANDER. Mr. Chairman, I wish to make it clear that no real estate or personal tax is levied in Alaska now. The law authorizes such a tax to be levied, but the attorney general of Alaska discusses that matter in a letter to Judge Houston, chairman of the Committee on the Territories, which you will find printed in the hearings, and has this to say:

One of the most serious problems confronting the Alaska Legislature was to devise a system of revenue. The organic act empowered both the laying of license taxes and a general property tax, the latter not to exceed 1 per cent upon the valuation. Owing to the vast area of Alaska, its scattered population, and the difficulty and expense of travel, it was decided by the legislature that a general property tax was for the present impracticable, it being estimated that the collection of such a tax would cost 60 per cent of the whole tax levied. We were familiar, however, with the system of license taxes in force under the acts of Congress for the past 17 years. The collection of such a tax, it was estimated, would not exceed 5 per cent of the taxes levied.

Hence, as I have stated, there is no real estate or personal property tax levied now in the Territory of Alaska for the reason stated by the attorney general of Alaska. The committee took that matter into consideration in framing the revenue features of this bill. We increased the tax on the fishery products and provided for a license tax on the appliances used in fishing, which does not exist under the present law. The license tax is small, but in addition we increased the tax on the output on the fish that are canned, so that we have largely increased the revenue of the Territory of Alaska under the revenue features of this bill. We had in mind that under existing conditions it is impracticable to levy a real estate or personal tax in the Territory of Alaska; and to avoid a dual system of taxation and a dual exercise of authority over this great industry in the Territory we retain in the Government the exclusive con-

trol over the fisheries of Alaska and to provide for ample revenue for the Territory of Alaska under the revenue features of this bill.

Here is the estimated amount of revenue which will be raised under the provisions of this bill:

License fees on plants: 85 canneries; 15 mild-curing plants; 17 salteries; 8 cold-storage plants; 2 whaling plants, oil, fertilizer; 2 herring plants, oil, fertilizer, fish; 2 by-product plants, oil, fertilizer, fish meal; 19 shore codfish stations; total, 148, at \$5..... \$740

License fees on fishing apparatus:
284 pound nets, driven and floating, at \$50..... \$14,200
281 purse seines, at \$25..... 7,025
2,392 gill nets, at \$2..... 4,784
62 haul seines (average 1,097 feet each), at \$8..... 496
4,420 troll lines for salmon, at \$1..... 4,420
3,613 hand lines for cod, at \$1..... 3,613
1,920 trawl lines for halibut, at \$1..... 1,920
12,972 Total..... 36,458

NOTE.—It is estimated that about 200 small wheels are used in the Yukon River for catching salmon for local consumption and for dog feed. These have not been included in above.

Tax on canned product:
88,251 cases king or spring salmon, at 6 cents per case..... \$5,295
1,932,312 cases red or sockeye salmon, at 6 cents per case..... 115,939
124,268 cases coho or silver salmon, at 5 cents per case..... 6,213
479,946 cases chum or keta salmon, at 4 cents per case..... 19,198
1,875,516 cases humpback or pink salmon, at 4 cents per case..... 75,021
Total..... 221,666

Tax on products prepared otherwise than by canning:
2,781 tierces mild-cured salmon, at \$1 per tierce..... 2,781
13,293 barrels pickled salmon, at 20 cents per barrel..... 2,659
360 tons frozen salmon, at \$1 per ton..... 360
29,645 barrels whale oil, at 10 cents per barrel..... 2,965
1,495 tons whale fertilizer, at 50 cents per ton..... 748
8,956 barrels pickled herring, at 10 cents per barrel..... 896
3,934 barrels herring oil, at 10 cents per barrel..... 393
619 tons herring fertilizer, at 50 cents per ton..... 309
1,453 barrels by-products oil, at 10 cents per barrel..... 145
781 tons fertilizer and fish meal, at 50 cents per ton..... 390
7,097 tons salted cod, cod tongues, and stock fish, at 50 cents per ton..... 3,548
5 tons frozen trout, at \$1 per ton..... 5
193 cases canned trout, at 4 cents per case..... 8
194 barrels pickled black cod, at 10 cents per barrel..... 19
23 tons frozen black cod, at 25 cents per ton..... 6
4,873 tons fresh halibut, at 25 cents per ton..... 1,218
2,794 tons frozen halibut, at 25 cents per ton..... 698
40 tons fletched halibut, at 25 cents per ton..... 10
Total..... 17,158

RECAPITULATION.
License fees on plants..... 740
License fees on fishing apparatus..... 36,458
Tax on canned product..... 221,666
Tax on products prepared otherwise than by canning..... 17,158
Total..... 276,022

The taxes on canned products based on three years' average (1913, 1914, and 1915) are shown by the following table:

56,887 cases king or spring salmon, at 6 cents per case..... \$3,413
2,033,062 cases red or sockeye salmon, at 6 cents per case..... 121,983
119,037 cases coho or silver salmon, at 5 cents per case..... 5,951
478,261 cases chum or keta salmon, at 4 cents per case..... 19,130
1,411,482 cases humpback or pink salmon, at 4 cents per case..... 56,459
Total..... 206,936

On this basis the tax on canned products would be \$206,936 instead of \$221,666, on the basis of the statistics for the calendar year 1915 shown above, hence the total revenue would be \$14,730 less.

It is also well to keep in mind the hatchery rebates which are to continue until the Government takes over the privately owned hatcheries. Those rebates have amounted to about \$25,000 annually.

Deducting the two items, \$14,730 and \$25,000, from the total estimated revenue of \$276,022 leaves the total revenue under the bill \$236,292.

The largest sum received under existing law, as I recall, by the Territory of Alaska was about \$129,000. You will note that we divide this total fund into three parts, one-third to go to the Government to conserve the industry and administer the law, two-thirds to the Territory of Alaska, and so much of the two-thirds as originates within the incorporated limits of the towns to go to the towns for school and municipal purposes, the balance to go into the Alaska fund for the general purposes of the Territory of Alaska. For the reasons stated, and having in mind that the Territory does not levy any real estate or personal tax, we undertake in this bill to provide ample revenue from the industry which will be collected and turned over to the Territory of Alaska without cost to the Territory, without any cost to the Territory whatever for the administration of the law. I now yield to the gentleman from New York.

Mr. HUSTED. Mr. Chairman, as I understand it, under existing law taxes on real and personal property may be levied in Alaska for certain purposes?

Mr. ALEXANDER. Yes.

Mr. HUSTED. Although they are not levied now?

Mr. ALEXANDER. That is true.

Mr. HUSTED. Is it not true that under the provisions of this bill, in the event such taxes were levied, the real estate and personal property of these canning companies would be exempt from such taxation?

Mr. ALEXANDER. If this bill becomes a law in its present form, a real or personal tax can not be levied against this industry, but the gentleman must not lose sight of the fact that they are being taxed under the provisions of this bill. They are not escaping taxation. This bill provides a larger tax on the industry than has ever been levied before, a larger tax than is levied under existing law, and because of the difficulty of levying and collecting the real estate and personal tax we took that into consideration and undertook to provide a reasonable tax on this industry.

Mr. BAILEY. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. BAILEY. As I understand it, these taxes are in effect a consumption tax and will be passed along to the consumer, and would not fall on this industry at all in any proper sense?

Mr. ALEXANDER. I suppose any form of taxation does that.

Mr. BAILEY. Oh, no; there are forms of taxation that are not passed along to the consumer, and we of the Democratic Party have been boasting here somewhat at having made a strike at taxes upon consumption, and it seems to me a rather strange procedure that we should now be proposing a consumption tax in the very face of the position we assumed in passing the Underwood tariff law.

Mr. ALEXANDER. Is the gentleman in favor of relieving this industry from any form of taxation?

Mr. BAILEY. No; I am not.

Mr. ALEXANDER. Does the gentleman want to levy a real estate and personal tax?

Mr. BAILEY. I would not levy a personal tax.

Mr. ALEXANDER. Suppose you levied a real-estate tax, when the attorney general of Alaska says it is such a vast territory and the communities are so sparsely settled that it will take 60 per cent to collect it, would that be practicable or wise?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BAILEY. I think that these industries must occupy territory that has some value, and I would levy a tax upon that value. I certainly would not propose to tax the American people for this food product. We are facing to-day this high cost of living, and I figure it out that the consumer will pay something more than double the amount of the tax that you propose to levy against this industry.

Mr. ALEXANDER. Then it is the gentleman's opinion that if we should levy a real-estate and personal tax on the industry, the canneries of Alaska, in determining the price of their product, would not pass that tax on to the consumer?

Mr. BAILEY. A personal tax would be passed along to the consumer beyond doubt.

Mr. ALEXANDER. Would not the real-estate tax also?

Mr. BAILEY. No; the real-estate tax would not be.

Mr. ALEXANDER. Would they not count that a part of the cost?

Mr. BAILEY. Oh, they could not. If it was a building, yes.

Mr. ALEXANDER. I suppose when they estimate what their product should be sold for to the consumer they take all the costs entering into the cost of production into consideration, whether real-estate taxes, personal taxes, or licenses.

Mr. BAILEY. Suppose it was an income tax?

Mr. ALEXANDER. Mr. Chairman, I think the amendment offered by the gentleman from Alaska is not germane to the paragraph of the bill to which it is offered, and beyond that, that it should not be adopted for the reason that it changes the whole theory of the legislation and provides for a form of taxation which the Territorial officers say is not practicable under existing conditions. We reach it in another way. We tax the industry through a form of license and through a tax on the output of the several canneries and other fishery industries in Alaska.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. ALEXANDER. Yes; I will withdraw the point of order, and let the committee decide.

Mr. LA FOLLETTE. Mr. Chairman, I move to strike out the last word. There seems to be an idea here that under the law there should be some real estate taxes levied there in connection with these canneries. Unless I am badly mistaken

there are no land titles held in Alaska by any of these cannery companies, and there would be no land tax under any consideration, if I am not mistaken.

Mr. WICKERSHAM. The gentleman is very greatly mistaken about that.

The CHAIRMAN. Does the gentleman yield?

Mr. LA FOLLETTE. I yield. What per cent of property is in the hands of the canneries?

Mr. WICKERSHAM. Wherever a cannery in Alaska or one of these cold-storage plants is located they have obtained title under the soldiers' additional homestead scrip.

Mr. LA FOLLETTE. Even on land that has never been surveyed?

Mr. WICKERSHAM. Yes; upon unsurveyed land. It is a very small proportion of the whole, of course, but it amounts to a good deal, 160 acres around each cannery and cold-storage plant, and that they have obtained under that law.

Mr. LA FOLLETTE. So there would be some real estate tax under this?

Mr. WICKERSHAM. Undoubtedly.

Mr. LA FOLLETTE. A very small per cent.

Mr. WICKERSHAM. A very small per cent, however, in proportion to the general area of Alaska, but very large in value.

Mr. FORDNEY. Will the gentleman yield?

Mr. LA FOLLETTE. Yes.

Mr. FORDNEY. I would like to ask the gentleman from Alaska what soldiers' additional homestead scrip will take up unsurveyed land?

Mr. WICKERSHAM. Any of them.

Mr. FORDNEY. It will not; I beg to differ with the gentleman on that. I have handled all kinds of it for many years, and it will not, my friend. It will not take unsurveyed land. Porterfield scrip and some land scrip will, but not soldiers' additional homestead scrip.

Mr. WICKERSHAM. The gentleman has heard of the man who was in jail, I suppose?

Mr. FORDNEY. The Government administers the law, and the jail is in the hands of the Government and has been ever since the scrip was issued.

Mr. WICKERSHAM. I know it is; but they make title to soldiers' additional homestead scrip in Alaska and get title.

Mr. FORDNEY. I beg to differ with the gentleman. It will take surveyed land not subject to entry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alaska.

The question was taken; and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ALEXANDER) there were—ayes 35, noes 27.

Mr. ALEXANDER. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ALEXANDER and Mr. WICKERSHAM) reported that there were—ayes 47, noes 41.

So the amendment was rejected.

Mr. WICKERSHAM. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, lines 6 to 11, strike out all after the word "year," in line 6, to the end of the sentence in line 11 and in place thereof add "of 10 cents per case for each case of fish so canned."

Mr. WICKERSHAM. Mr. Chairman, under the bill it is provided that Chinook and certain salmon shall pay 6 cents per case; that Silver and other varieties shall pay 5 cents per case; Keta and other varieties, 4 cents per case; and other food fish or shellfish, 4 cents per case. Now, Mr. Chairman, the license charged upon canned salmon by the present law is 4 cents per case. It is proposed now to increase one of those varieties to 6 cents by this bill. The other varieties remain, one at 5 cents and the other two at 4 cents. The fact is that the variety which is increased is one of the varieties which has a lesser output and those which are decreased are those varieties which have the largest output, so that under the present bill, if it is passed as it is now drawn, there will be a lessening of the amount of taxes and not an increase. Now, with respect to this increase to 10 cents per case—

Mr. MANN. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. MANN. I understood the gentleman to say the present tax was 4 cents per case?

Mr. WICKERSHAM. That is right, and the statement I made that it would be decreased is incorrect. It would be left just the same with respect to the large output, but in respect to

the small output there would be an increase. Now, I propose to increase all of it flatly to 10 cents a case by this amendment. In 1890 the price of canned salmon, the average price per dozen cans, was \$1.64. In 1900 it increased to \$1.77. In 1908 it was increased to \$1.92. In 1914 it was increased to \$2.22. In other words, an increase of 58 cents per dozen cans. Now, in a case of salmon there are four dozen, or 48, cans, and since 1900 the price of canned salmon has increased \$2.32 per four dozen cans. Now, I propose to increase the tax upon it to 10 cents instead of 4. A case of canned salmon at \$2.20 per dozen cans would be \$8.80, and 10 cents upon each case would be a little more than 1 per cent—

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. Does the gentleman think there ought to be a flat rate rather than a graded rate according to the character of the fish? As I understand, the salmon that is taxed 6 cents is more valuable than that taxed at 5, and that taxed at 5 is more valuable than that taxed at 4?

Mr. WICKERSHAM. Yes.

Mr. HUMPHREY of Washington. It strikes me it ought to be a graded tax according to the value of the fish.

Mr. WICKERSHAM. There is no substantial difference in the value of the fish. There is in the market price of the fish, and I want to place a higher rate upon all of it, because none of these fish now pay more than one-half of 1 per cent on the actual value.

If it paid 8 cents it would be 1 per cent upon \$8, or 8 per cent a salmon case. I believe it ought to be at least 1 per cent, and I therefore move to make it 10 cents.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. May I ask the gentleman from Alaska a question?

Mr. WICKERSHAM. Certainly.

Mr. MANN. These fish belong, so far as they belong to anybody, to the Government of the United States, do they not? The opportunity of acquiring them belongs to the Government?

Mr. WICKERSHAM. Well, I suppose they belong to the Government; yes. It is true the fisheries of every State of the Union belong to the State, but in the Territories they are held by the Government in trust for the future States, and that, of course, is the condition of the fisheries in Alaska.

Mr. MANN. In view of the statement of the gentleman that there has been such a decided increase in the selling price of these fish, does the gentleman think it would be proper for somebody to have some control over that matter?

Mr. WICKERSHAM. Yes; I do.

Mr. MANN. And in some way to limit the price at which these fish can be sold when canned?

Mr. WICKERSHAM. Yes; I think there ought to be such control.

Mr. MANN. Where we practically give the man the fish, and all he furnishes is the labor and the money, and a monopoly puts up the price of fish, ought we not to have some control over the question as to how much we poor devils will have to pay for them?

Mr. WICKERSHAM. In answer to that I want to say that the price is going up continually. It has gone up almost 25 per cent this year, and the little increase I have proposed in the tax rates still leaves the canners paying a very much less tax in proportion than anybody else in the Territory of Alaska upon the same identical kind of property. If the canned salmon is put in a store in the town of Fairbanks, where I live, and the assessor comes around, it is taxed 2 per cent on its true value, or four times as much as the canners now pay.

Mr. MANN. But the gentleman realizes that, after all, an increase in the tax of the fish is paid by the people who consume the fish in the end, and that is us, not the people in Alaska. They do not live on the fish.

Mr. WICKERSHAM. The people of Alaska do not pay taxes on the fish, except the canners pay the license tax to the Government.

Mr. MANN. The people of Alaska do not pay much of taxes, anyway. We pay the expenses of the taxes largely out of the Treasury. Now, you increase the tax and give it to the people of Alaska, and we have to pay the tax. What we want to do is to be able to buy our own fish, when they are packed, at a reasonable price.

Mr. WICKERSHAM. Well, if the gentleman will suggest any means of securing that result I shall be very glad to give him assistance if I can.

Mr. HAMILTON of Michigan. One way, I suppose, would be to prevent them being caught by a combination.

Mr. WICKERSHAM. That is one way, of course, but it is not accomplished by this bill.

Mr. ALEXANDER. Do you think you would reduce the price to the consumer by increasing the tax?

Mr. WICKERSHAM. No, sir; I do not.

Mr. ALEXANDER. Is not that the effect of your amendment to increase the tax on the canned salmon?

Mr. WICKERSHAM. Yes; but the Cannery Trust is increasing the price to-day, without any increase in the tax at all.

Mr. BORLAND. Why are they increasing the tax daily?

Mr. WICKERSHAM. If I could answer that, Mr. Wilson would ask me to come down to the White House immediately, because the high cost of living is just now engaging his attention.

Mr. BORLAND. Does the gentleman believe there is a monopoly of those fisheries in Alaska that fixes the price?

Mr. WICKERSHAM. Yes. I read you the indictment against them.

Mr. FESS. Will the gentleman yield?

Mr. WICKERSHAM. Yes, sir.

Mr. FESS. What objection is there to an ad valorem rate instead of a specific one? Then, as the price goes up the tax would be larger.

Mr. WICKERSHAM. I would not object to that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, under the original bill which is printed at the beginning of the hearings we provided a tax of 4 cents a case on one class of salmon, 3 cents on another, and 3 cents on another class of salmon. Under the bill that is pending we have increased these taxes for the reason that I have stated.

Now, under the act passed by the Territorial legislature it is provided:

In lieu of all other license fees and taxes therefor and thereupon, every person and corporation carrying on the business of canning * * * shall pay a license on the said business and output as follows:

Canned salmon, 4 cents a case; pickled salmon, 10 cents a barrel; salt salmon, in bulk, 5 cents per 100 pounds—

And so forth. Now, we have increased the tax from 4 cents to 6 cents on the choicest variety, and we have undertaken to regulate the tax according to the quality of the salmon. They are classified and graded just like other commodities, and we placed a higher tax on the more desirable class of salmon, a class of salmon that brings the highest price on the market; and on the whole, I say, have very largely increased the revenue to the Territory of Alaska from this source.

Mr. SAUNDERS. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. HADLEY rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HADLEY. To move to strike out the last word.

The CHAIRMAN. The gentleman from Washington moves to strike out the last word.

Mr. HADLEY. Mr. Chairman, I do this merely for the purpose of making this observation, which I think has not been made in relation to the amendment: The estimate was made and submitted to the committee as to what would be required in order to give back to the Territory of Alaska at least as much money as Alaska was receiving heretofore, and some more, and what was required by the department for the purpose of administration and the handling of the hatcheries and the conduct of the business. Those estimates were submitted to the committee, and on the basis of the estimates, after analyzing the amounts and apportioning them according to the framework of the bill, it was found that the rates provided here, namely, 6 cents, 4 cents, and 5 cents, were adequate for the purpose, and would give Alaska more money than we have heretofore been yielding to her, and still would retain and reserve to the Government a fund equal to one-third of the whole, which heretofore, as I understand, has been appropriated out of the general funds in the United States Treasury.

Under this arrangement the schedule as contained in the bill will pay back to Alaska more money than she has been receiving from the industry, and will make the industry self-sustaining as to itself, the Government heretofore having sustained it; and yet a change is proposed, without argument or reason, so far as I

have heard, as to why the rate should be increased above 4, 5, and 6 cents, as provided by the bill. No tangible reason has been given why an additional tax of 4 cents a case should be imposed.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Missouri?

Mr. HADLEY. Yes; I will yield.

Mr. BORLAND. Is it not always a sound principle to tax cheaper commodities at a lower rate than commodities that sell for a higher value?

Mr. HADLEY. Yes. That arrangement has been made in the bill.

Mr. BORLAND. As I understand, the amendment of the gentleman from Alaska would tax them all at a flat rate of 10 cents a case.

Mr. HADLEY. I so understand.

Mr. BORLAND. And under the general rule, at that rate it would discourage the production of the cheaper grade of foodstuffs and confine it largely to the higher grade that could better afford to pay the higher tax. Is it not the gentleman's idea that the lower rate should be imposed instead of the higher rate for that reason?

Mr. HADLEY. I think it would handicap them less; at least, to that extent.

Mr. KREIDER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. KREIDER. Mr. Chairman, I am rather surprised at the argument presented here in regard to the cost, and the question has been asked, "Why have they advanced the price of fish?" That is the easiest question to answer I have heard in years.

It is simply because they could get the price, owing to the high cost of food products which are sold in competition with fish. Increasing your tax to 10 cents instead of 6 cents per case will not add one iota to the price charged to the consumer. Those engaged in catching, canning, and marketing fish are going to get all they can for their products no matter what your tax is. They are going to sell their production, and competition in the market regulates the price. The only difference is if the tax is 10 cents it will be 5 cents less profit than if it is only 5 cents.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. KENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KENT: Page 3, line 25, after the word "ton," insert the following:
"Provided, That the Secretary of Commerce or Congress may alter the terms of such licenses at the beginning of any annual period."

Mr. KENT. Mr. Chairman, that is where I am taking the gentleman from Virginia [Mr. SAUNDERS] at his word. I would like to have that put in there in plain language, so that we shall know this is not a perpetual lease, and that the Secretary of Commerce or the Congress may amend or change the terms of annual leases without treading on the toes of any vested interest.

There may be necessity for our legislating as to the control of the price of the fish, or there may be necessity for legislation as to the cutting down of the number of fish caught in these traps. Such changes or restrictions are not provided for in this bill. Under this amendment those necessary requirements can have immediate attention, whereas I fear without such an amendment if Congress should try to pass proper restrictive legislation it would find itself blocked by the argument that it was treading on the toes of vested interests. In any event that power could not be applied by the Secretary of Commerce at a time when it might be urgently needed.

Mr. SAUNDERS. Mr. Chairman, I will merely say, in response to the remarks submitted by the gentleman from California [Mr. KENT], that the main provision of the gentleman's amendment has been provided for. So much of the gentleman's amendment as gives Congress the right to change the terms of a lease, is already covered by the committee amendment heretofore cited.

But the rest of the gentleman's amendment, which proposes to give to the Secretary of Commerce the power indicated, is not, I suggest, good legislation. Does the committee think that it is wise for us, as a legislative body, to give to a single department of Government such a power with respect to these licenses, as the amendment of the gentleman from California proposes to

afford, particularly when the Government, the source of authority, has reserved a power of repeal which it can exercise at any time? The attention of the gentleman is called to the fact that Congress sits every year, so that within every 12 months the opportunity will be afforded to rectify any possible mischief, or evil condition that may arise under the operation of this law in the Territory of Alaska.

Mr. KENT. Will the gentleman accept the amendment if the "Secretary of Commerce" is stricken from it?

Mr. SAUNDERS. No, for when the Secretary of Commerce is stricken from the amendment, what is left will be in substance a mere repetition of another section of the bill.

Mr. KENT. I want to get recognition of the fact that at the beginning of every annual period this right shall exist.

Mr. SAUNDERS. Here it is—

Mr. KENT. You have got it at the end of the bill.

Mr. SAUNDERS. Our proposed amendment provides as follows:

SEC. 28. Rights subject to revocation: All rights granted by this act shall be subject to alteration, amendment, or revocation by Congress.

Mr. KENT. I know, but if these privileges run along, and a lot of money is spent under this law, the licensees will come back and say, "You can not revoke our rights"; but if you put definite limitation in the body of the bill so that changes may be made at the beginning of the annual license period you will have something in the bill that will provide necessary power to regulate.

Mr. SAUNDERS. Should we embody in this bill the language that I have just read, and I imagine there will hardly be any contention on this point, it is perfectly clear that at no time hereafter will the licensees under this measure enjoy any legal right of recovery against the Government in the event that their licenses are abrogated in the exercise of the manifest authority afforded by this language.

Mr. KENT. Does the gentleman believe that the bridge licenses which we grant, with the repealing clause in them, will ever be abrogated?

Mr. SAUNDERS. I do not know anything about the bridge licenses, but I am perfectly familiar with the interpretation that has been given to the language of this amendment, in my own State and elsewhere.

Mr. KENT. We reserve the right of amendment and repeal in the bridge bills, but that right is never exercised.

Mr. SAUNDERS. A licensee will not enjoy any right to recover for the abrogation of a license under this law, for the manifest reason that whatever rights he may take under his license will be subject to alteration, amendment, or revocation at the pleasure of the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

Mr. ELSTON. I ask unanimous consent that the amendment be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. KENT: Page 3, line 25, after the word "ton," insert the following:

"Provided, That the Secretary of Commerce or Congress may alter the terms of such licenses at the beginning of any annual period."

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

Mr. WICKERSHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alaska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WICKERSHAM: Page 4, strike out lines 1 to 4, inclusive.

Mr. WICKERSHAM. Mr. Chairman, my motion is to strike out the following words:

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or Territorial license fees and taxes therefor and thereon.

I move to strike out those words, because I am in favor of the Territory of Alaska levying a tax upon this property, and the power which she now has is a power which she gets through the act creating her legislature.

I also move to strike this out because it does not seem to be necessary, as it is already covered by section 22. I also move to strike it out because I do not think that any gentleman on the committee can tell exactly what it means, what its limits are, and what it undertakes to cover. I think it is a very dangerous piece of legislation and ought to be stricken out on general principles, because it is not necessary in the bill and adds to its confusion.

Mr. MANN. I do not think I can quite agree with the gentleman from Alaska, but I would like to make an inquiry. It says:

The license fees and taxes imposed by this act on such business, appliances, and output shall be in lieu of all other Federal or territorial license fees and taxes therefor and thereon.

That is, covering the business. Would that cover the corporation tax? Is it the intention to exclude by special legislation the corporation tax? I do not think it is very important, possibly, except as a precedent. It seems to me it is not advisable to commence legislation to exclude certain corporations from the provisions of the corporation tax; and unless that was expressly intended by the committee, it seems to me, we ought to have language which would exclude the corporation tax.

Mr. ALEXANDER. It was not the intention of the committee to exclude any corporation tax or income tax. The purpose was that the licenses and taxes provided for in this bill should be in lieu of other taxes levied under existing law.

Mr. MANN. Ordinary taxes.

Mr. ALEXANDER. Yes.

Mr. MANN. That is what I suppose; but as it is worded I think it would be in lieu of the corporation tax. We passed a provision which we called a corporation tax on all corporations; and if we impose now certain personal taxes or excise taxes upon the property and business of these corporations in lieu of the ordinary taxes, it seems to me, we ought to exclude from the exclusion the corporation tax and to maintain the same practice as to other corporations.

Mr. ALEXANDER. In the light of what the gentleman from Illinois [Mr. MANN] has said, and in view of the fact that section 22 provides—

That from and after the passage of this act the Territory of Alaska shall not pass any law that has the effect of repealing, altering, or amending this act, nor shall the Territory of Alaska impose any license fees or taxes upon the business hereinbefore referred to, nor upon the output thereof, nor upon any property, real or personal, used in said business in said Territory—

It is well enough to accept the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. MOORE of Pennsylvania. If it is now in order, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized on his motion to strike out the last word.

Mr. COOPER of Wisconsin. Would not this also be in lieu of an income tax?

Mr. ALEXANDER. We have stricken it out.

Mr. MANN. There is no income tax on corporations.

Mr. COOPER of Wisconsin. But does the gentleman assume that nobody except these three corporations will get a license up there?

Mr. MANN. I think the gentleman is right as to individuals.

Mr. COOPER of Wisconsin. The bill on the first page says—That it shall be unlawful for "any person" to engage in the business—

And so forth.

Apparently the assumption of the gentleman from Illinois is that only corporations will engage in this business, and that would seem to bear out the suggestion of the gentleman from Alaska [Mr. WICKERSHAM] that only these three corporations are going to have a chance. If so, we ought to strike out of the language which I have read the words "any person" and insert the words "any corporation."

Mr. ALEXANDER. The gentleman from Wisconsin will understand that we accepted the amendment.

Mr. COOPER of Wisconsin. I should think the gentleman from Missouri would accept it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 2, line 10, after the word "to," strike out the words "any person" and insert the words "citizens of the United States only."

Mr. MOORE of Pennsylvania. Mr. Chairman, I realize that one or two members of the committee have indicated that existing law governs this point, but this bill is a comprehensive measure which undertakes to reorganize the entire Alaska fishery business, and it seems to me it could do no harm at this time to limit the issuance of licenses to citizens of the United States.

One of the difficulties confronting those who try to understand the Alaska fishery problem is the matter of the Canadian fisheries and other rights in contrast to those of the United States, Alaska being nearer to Canada than it is to the United States. There are certain preferences in the matter of ports. Prince

Rupert has been mentioned once or twice as being the point in Canada at which a great many fish are received for shipment to the United States.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. FESS. Has the gentleman made an investigation as to whether his amendment would interfere with the treaty rights between us and other countries?

Mr. MOORE of Pennsylvania. No; but I assume that we have the right to legislate for citizens of the United States, and that no treaty would interfere with that right in this respect.

Mr. MANN. If the gentleman will pardon me, I think the law referred to by the gentleman from Virginia [Mr. SAUNDERS] a while ago, the law of 1906, has a saving clause in it in reference to the rights under treaties.

Mr. MOORE of Pennsylvania. I am frank to say that I have not looked up that law.

Mr. MANN. The law forbids anybody but a citizen of the United States fishing in Alaskan waters, but I think it has a saving clause which says that the act shall not interfere with any treaty rights.

Mr. MOORE of Pennsylvania. That is no reason why this amendment should not be passed. There is a controversy between the Canadian and American fishermen with respect to Alaskan waters, and the port of Prince Rupert enters into it very strongly to the prejudice of American ports south of the Canadian line. My point is that we ought not to throw this business into the hands of Canadians and that we ought to remove from the Secretary of Commerce the temptation to grant a privilege or a license to Canadians as he might do under the terms of this bill, which refers only to "any person" or to any corporation, perhaps, made up of a majority of Canadian stockholders. I am aware that the bill defines a person as "any person, firm, partnership, corporation, association, or society," and that we are covered to that extent in referring to "any person," but I still contend that having left open the question of citizenship, it ought to be covered by the passage of some such amendment as I have offered.

Mr. SAUNDERS. The gentleman's amendment proposes to strike out the words in line 10—

Mr. MOORE of Pennsylvania. It proposes to strike out the words "any person" and insert "citizens of the United States only," not disqualified by law, and so forth.

Mr. SAUNDERS. When this matter was up in an informal way a few minutes ago, I said that I did not think that it was necessary to amend the measure in the manner indicated by the gentleman from Pennsylvania. I am confirmed in that opinion after further study of the bill, and I will give the gentleman the reason why I hold this view. The gentleman will observe by looking to the bill that it does not undertake to say who shall be qualified to make application for licenses. It simply provides that a license shall be required before business is done.

Mr. MOORE of Pennsylvania. Is it not the purpose of the committee to give authority to the Secretary of Commerce to issue licenses to nobody but citizens of the United States?

Mr. SAUNDERS. Of course. I was pointing out that this act does not undertake to say in its own terms who shall be in a position to apply for a license. It merely says that a license shall be necessary. Then looking to section 2 it will be seen that it provides that licenses shall be issued by the Secretary of Commerce to any person not disqualified by law. Looking to the act which I have cited, we find the people who may be admitted to pursue these fisheries. If anyone is not in the class covered by the act of 1906, it is perfectly clear that he would not be qualified by law to make application for a license.

Mr. MOORE of Pennsylvania. But there might be other disqualifications not comprehended by that act.

Mr. BENNET. Mr. Chairman, I offer the following substitute for the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment by Mr. BENNET: Page 2, line 10, after the word "person," insert the words "a citizen of the United States."

Mr. BENNET. Mr. Chairman, the gentleman from the western part of Virginia may be, and probably is, entirely correct in his construction of the act of 1906 in connection with this act. As I understood him earlier in the afternoon, it was his statement and contention that, taking the two acts together, a person not a citizen of the United States could not get a license. But there is, on page 25 of this bill, a repealing clause, one of those necessary but dangerous repealing clauses, which repeals all acts or parts of acts of Congress or the Territorial Legislature of Alaska inconsistent with the provisions of this act. Nobody can tell here this afternoon but that five or six years

from now this matter may be of vital importance and may even raise an international question.

Mr. LONGWORTH. Will the gentleman pardon me?

Mr. BENNET. Certainly.

Mr. LONGWORTH. I call the gentleman's attention to section 27, which provides that certain provisions of this act shall not apply to Indians, Aleuts, and Eskimos. Possibly there may be some Eskimos who are citizens of the United States, but I doubt it.

Mr. BENNET. They might be British subjects.

Mr. LONGWORTH. This specifically provides that Eskimos may be given licenses, so that the gentleman's amendment is necessary.

Mr. BENNET. That is an additional reason, it seems to me, and I thank the gentleman from Ohio for the suggestion. Let me call this fact to the attention of the chairman and the gentleman from Virginia [Mr. SAUNDERS]. Those gentlemen, both able lawyers, take the position which I think the entire House takes, that these very valuable licenses ought not to be given to anyone except citizens of the United States. Why rest upon a construction as to which there may be even a doubt? One of the slogans of the day is "safety first." It does not do a particle of harm to put in the language I have suggested in line 10. No one contends that anything else ought to be done. Why not, as careful legislators, do what we would do if we were lawyers practicing in our offices—as many of us will be after the 4th of March? Why not make this thing certain, so far as anything can be made definitely and humanly certain, and restrict these valuable rights to citizens of the United States? I prefer the form I have offered it in to the form offered by my friend from Pennsylvania [Mr. MOORE], as it seems to me to read better, but it is a mere matter of taste. I hope the gentleman's amendment or my amendment will be adopted.

Mr. MANN. Mr. Chairman, in discussing the amendments in reference to citizenship I want to get a little information about the salmon business in Alaska, if I may. I would like to know from some one how many nets or other appliances there are for catching fish or salmon up there now. Does any one know?

Mr. ALEXANDER. I do not quite get the gentleman's inquiry.

Mr. MANN. How many different traps or nets or seines with which you catch the fish are up there now being operated?

Mr. ALEXANDER. They are in my report upon the bill. There are 284 pound nets, 281 purse seines, 2,392 gill nets, 62 haul seines, 4,420 trawl lines for salmon, 3,613 hand lines for cod, and 1,920 trawl lines for halibut.

Mr. MANN. How many of these are owned by corporations?

Mr. ALEXANDER. I can give the gentleman that information in a minute.

Mr. MANN. Or by individuals. Of course, I do not want to take up too much time of the House, but while my friend is looking that up I would like to know something about the habits of these salmon, from some one who knows. It is said that they all return to the stream from which they came as small fry. I believe that is the accepted view of the scientists. Whether that be so or not I do not know and do not care. Then, when you have fish hatcheries up there, what do you do—distribute the fry in the different streams and have the little ones look around at the other minnows in these different streams to get their bearings and then afterwards come back to that stream, not where they were born but from which they enter the sea? Is that correct?

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. HADLEY. I was waiting to defer to the gentleman from West Virginia [Mr. BOWERS], who has been a United States Fish Commissioner.

Mr. MANN. Oh, a United States Fish Commissioner has a thousand things to do besides knowing about the habits of salmon. I think he is the only man in the House who knows anything about this, though I hope not, but I do not think that the rest of us are yet qualified to legislate upon this subject.

Mr. HADLEY. There are two Government fish hatcheries there at present, one in eastern Alaska and one in central Alaska, and there are four private hatcheries, and they are placed according to custom in the streams.

Mr. MANN. What is done with the fry after it is hatched?

Mr. HADLEY. They impound the fry and hold them and bring them up until they reach a point when they are thought to be ready to go to sea and take care of themselves.

Mr. MANN. From where do they go to sea?

Mr. HADLEY. From the streams in which they are hatched—their natural habitat.

Mr. MANN. They have up there only five or six hatcheries, and how many streams are there to which salmon come back?

Mr. HADLEY. There are a great many more streams. I am not able to say how many there are which are susceptible of salmon breeding.

Mr. MANN. Of what value is it under the gentleman's statement for the Government to maintain a fish hatchery on a stream and produce salmon which go out of that stream and which come back to that stream, when you know one person or one corporation controls all of the fish that get back to the stream?

Mr. ALEXANDER. Mr. Chairman, if the gentleman will permit an interruption at this point, I can give him the information that he asked for a moment ago.

Mr. MANN. Very well.

Mr. ALEXANDER. Mr. Warren was the witness before the committee and in his statement he said:

In connection with the monopoly question, I would like to call your attention to the fact that there were in operation in 1915, according to the statistics of the Pacific Fisherman, from which the judge quoted, 86 canneries, of which the Alaska Packers' Association operated 14; the Northwestern Fisheries Co., 11; the Pacific-American Fisheries, 3; the Alaska-Pacific Fisheries Co., 3; North Alaska Salmon Co., 4; Columbia River Packers' Association, 2; Libby, McNeil & Libby, 3; and Deep Sea Salmon Co., 2. All the balance of them are operated by independent concerns. In other words, less than half of the canneries existing in Alaska are operated by concerns owning more than one cannery, and of those owning more than one, the ones which the judge classified as monopolies, the Alaska Packers' Association owns 14; the Northwestern Fisheries Co., 11; and Libby, McNeil & Libby, 3, a total of 28 out of 86 owned by what he terms a monopoly.

Mr. MANN. I suppose all of the canneries are operated by corporations, and that would be natural. What I ask is how many of these different appliances used for catching fish are owned by the corporations? I take it that the man who goes out and catches fish on his own hook—I will not say that, though I started to say line, but I understand they do not catch them on hook or line—

Mr. HUMPHREY of Washington. Oh, yes; they do.

Mr. MANN. I take it that he does not can the salmon that he catches, but turns his catch over to a canning company—must necessarily do so. I really want to know something about this thing, for it may come up in the future while I am here. Why should we maintain the fish hatcheries if that is the case, when all of the fish that are hatched in a stream at a fish hatchery go out of that stream and come back to that stream eventually where there is a monopoly of the stream?

Mr. HUMPHREY of Washington. If the gentleman will yield, I will give him my observation.

Mr. MANN. I want information, not observation.

Mr. HUMPHREY of Washington. Sometimes they are the same.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I yield the floor to the gentleman to do just as he likes.

Mr. BENNET. Mr. Chairman, I ask that the amendment be again reported.

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to save time and facilitate business I will accept the substitute offered by the gentleman from New York.

Mr. SAUNDERS. Let the substitute be reported.

The CHAIRMAN. The substitute will again be reported, without objection.

There was no objection.

The substitute was again reported.

Mr. SAUNDERS. Mr. Chairman, I desire to take up briefly the suggestion of the gentleman from Ohio, [Mr. LONGWORTH] that section 27 of the bill, makes it necessary, or at least affords some reason why this amendment should be adopted. The attention of the committee is called to the fact that this section applies only to natives of Alaska, and provides certain exceptions in favor of those natives. There is no possibility that the interpretation suggested by the gentlemen from Ohio could be given to this section. With respect to the amendment offered by the gentleman from New York [Mr. BENNET] I understand that he wishes to insert the words "citizens of the United States."

Mr. BENNET. Yes, sir.

Mr. SAUNDERS. Permit me to again call attention to the fact that the act of June, 1906, expressly says that it shall be unlawful for any person not a citizen of the United States. This is the language that the gentleman desires to insert in our bill.

Mr. BENNET. Because—

Mr. SAUNDERS. But the language that you offered in your substitute is precisely the language of the act of 1906.

Mr. BENNET. Because of the danger involved in the repealing clause.

Mr. MANN. That law, however, provides a saving clause, I think, in reference to treaties. Now if we should say nobody but a citizen of the United States should have the right, and we have a treaty giving rights to other people, it would be a violation of the treaty.

Mr. SAUNDERS. That suggestion affords another and a sufficient reason for the rejection of this amendment.

Mr. BENNET. Of course we have a perfect right to pass a statute—

Mr. SAUNDERS. Of course we have the authority to do so, but the question is whether there is any necessity for a change in the language of the section under consideration.

Mr. BENNET. It seems to me this House ought to limit it to citizens.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. ALEXANDER) there were—ayes 33, noes 36.

Mr. MOORE of Pennsylvania. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers (Mr. ALEXANDER and Mr. BENNET) reported there were—ayes 34, noes 44. So the amendment was rejected.

Mr. BENNET. Mr. Chairman, I move to amend by inserting, page 2, line 9, after the word "issued," the word "annually."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, after the word "issued," insert the word "annually."

Mr. ALEXANDER. We will accept that.

Mr. BENNET. Mr. Chairman, I understand the committee has no objection to this amendment.

Mr. ALEXANDER. There is no objection to the amendment.

Mr. MANN. Why do you not add the word "annually" again? Why not put it in twice? Why not make it twice in two years? Why not make it once in two periods of six months? Here is a bill which provides that nobody can fish without a license. Every license expires December 31 of the calendar year, and yet gentlemen insist that we put in the word "annually," and say "an annual" license is required. I do not think you can settle it by having it in once, you ought to put it in three times.

Mr. SLOAN. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SLOAN. Why not put it semiannually?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Missouri in charge of the bill what provision there is in here about the renewal of licenses except on page 8?

The CHAIRMAN. The Clerk will read.

Mr. COOPER of Wisconsin. One moment, Mr. Chairman. I have asked for information. I move to strike out the last word, then. On page 8 I find, beginning with line 6:

From and after the filing of the map in the case of a pound net, or from and after the posting of the number of the license as above provided in the case of a stake net or set net, the claimant of the fishing location shown on such map, or marked by such number, his heirs, administrators, executors, successors, or assigns, shall have the exclusive right to hold, occupy, and fish in such location, to renew the license therefor, and to mortgage, sell, lease, or transfer the same during the time that he or they in other respects shall comply with the law pertaining thereto.

So when the annual term of the first license has expired the only person that can step up to the captain's desk and ask for another license is the corporation itself, its successors or assigns. The only renewal that can be made is by that corporation, its successors or assigns, which strikes me as rather clever on the face of it. I would like to have that interpreted. I want the correct interpretation. Then what becomes of the argument that we have heard here that every year this license expires and there will be a renewal by that person or corporation? Congress can not in a short session, the way business is done here, hope to amend these laws, and can not do it in a long session.

Mr. HAMILTON of Michigan. I will say to the gentleman that this relates to a personal piscatorial privilege.

Mr. SWIFT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 3, strike out lines 3 to 6, inclusive.

Mr. SWIFT. Mr. Chairman, the effect of this proposed amendment, of course, is to eliminate the license fees which are mentioned in the proposed lines, and I believe that this tax on canned goods should be eliminated, as it will result in a cheapening of these fish products.

Mr. STAFFORD. Will the gentleman yield?

Mr. SWIFT. Certainly.

Mr. STAFFORD. Is not the provision the gentleman seeks to have eliminated virtually a provision for a consumption tax?

Mr. SWIFT. Yes.

Mr. STAFFORD. And that will be levied directly upon the consumers by adding that much to the retail price of the commodities?

Mr. SWIFT. That is what I am endeavoring to eliminate.

Mr. ALEXANDER. I am not sure that I caught the amendment, but as I understand it it is to strike out all of line 3 down to and including line 25. The effect of the amendment would be, of course, to relieve these industries from all taxes whatever, except the license fees, which amount to about \$1,140 a year. In other words, it would deprive the Government of any part of the revenue, and it would deprive the Government of the administration of the law and deprive the Territory of any revenue whatever. While it may be desirable to cheapen the price of food products, it is equally desirable, I think, to provide revenue for revenue purposes in the Territory of Alaska and to conserve the industry.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word. I am in favor of the amendment presented by the gentleman from New York [Mr. SWIFT]. As I understand it, Alaska is practically supported out of the National Treasury. Now, these taxes that are specified from line 3 to 25 are taxes upon the product itself, which eventually are paid by the consumer. Now, the prices for the necessities of life are certainly high enough, but the people that produce these necessary foodstuffs take advantage of every opportunity to increase the price and pass it on to the consumer. I feel that any tax that is levied upon the output of these canneries is finally paid by the people of the United States who consume the products of them. Nothing is gained by it. The people of this country support Alaska, provide for all the funds that are raised up there, and we are simply taxing ourselves by placing it upon the food necessities that we consume every day. I feel that if we intend to hold down the high cost of living, as I think we should, here is an opportunity to strike out any tax that is levied against these food products.

Mr. BORLAND. Will the gentleman yield?

Mr. EMERSON. I will.

Mr. BORLAND. Does the gentleman realize that the highest tax in this bill is 6 cents a case and that there are 48 cans of salmon in a case?

Mr. EMERSON. I know; but what difference does that make? Every cent added in form of taxes is paid by the consumer finally.

Mr. BORLAND. That is all that is added to the price to the consumer.

Mr. EMERSON. We will pay it just the same. It may be small, but it is the principle that is involved that I am concerned about. That is what I object to in the bill.

Mr. BORLAND. Let me ask the gentleman another question, Mr. EMERSON. Very well.

Mr. BORLAND. Does not the grocery man in the gentleman's town pay a personal tax on his stock of goods and a license to do business in the town, and necessarily he adds that to the prices of the goods he sells?

Mr. EMERSON. That is true; but that is no argument against my proposition. The mere fact that an injustice is done in one instance does not justify it in every instance.

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Alaska moves to strike out the last two words.

Mr. WICKERSHAM. Mr. Chairman, the bill levying a tax upon salmon at 4 cents a case was passed by Congress in 1899. There has been no increase in that tax from 1899 to this time, a period of almost 18 years. In 1899 the price of salmon per dozen cans was \$1.52. It is now \$2.22, according to the Government report, so that the price has increased 70 cents per dozen cans, or \$2.80 per case since 1900, although there has been no increase in the tax. So that it demonstrates, to my satisfaction at least, that there is no connection between the small amount of tax that we want to put upon this industry

and upon their output and the selling price of the product. They will make you pay just as much, whether you make them pay what the other property owners pay in tax or not.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question?

Mr. WICKERSHAM. Yes.

Mr. COOPER of Wisconsin. Is there a uniform price up there for the same grade or kind of salmon, regardless of by whom caught?

Mr. WICKERSHAM. There is a general uniform price, and it is made by J. K. Armsby Co., of New York, in accordance with the recommendations of the Alaska Packers' Association, according to the testimony that has been had before the Committee on Fisheries in the Senate.

Mr. COOPER of Wisconsin. So that there is a combination up there to fix the price of the commodity?

Mr. WICKERSHAM. Yes; and there always has been, and always will be, unless something is put into this bill to control them.

Mr. ALEXANDER. Mr. Chairman, I have a letter in my hand from Mr. J. C. Strong, who lives in Ketchikan, Alaska, and who, I understand, is a very reputable citizen.

Mr. WICKERSHAM. Is he not one of the cannery men?

Mr. ALEXANDER. Well, is he a villain for that reason? Is he not a good man? Is he not a good citizen?

Mr. WICKERSHAM. I would not like to commit myself on that question.

Mr. ALEXANDER. The gentleman from Alaska made a speech in Ketchikan, in which he made this bill an issue in his contest for Congress. He said a vote for him would be a vote against this bill, and a vote against him would be a vote in favor of the bill. The gentleman was defeated, so that apparently this bill was thoroughly thrashed out in Alaska.

Mr. WICKERSHAM. I would like to ask the gentleman a question.

Mr. ALEXANDER. I yield to the gentleman.

Mr. WICKERSHAM. Does the gentleman not know that I carried the town of Ketchikan by a very large majority?

Mr. ALEXANDER. I am not informed as to that.

Mr. WICKERSHAM. I did.

Mr. ALEXANDER. Here is what he says in another place. I do not know who Mr. Strong is.

Mr. HUMPHREY of Washington. As to the statement that the gentleman from Alaska made, I do not know whether it is going to go into the Record or not, but I wish to say that I know Mr. Strong. He is a reputable gentleman and does not have such interests as the gentleman from Alaska intimated.

Mr. ALEXANDER. In this letter he simply stated that—

From the reports of the United States Bureau of Fisheries and Pacific fisherman I find that in 1911 1-pound tall cans of Alaska reds sold at \$6.33 per case, while pink salmon of the same pack sold at \$3.94 per case. At no time since 1911 has any variety of Alaska salmon reached the market price of that year.

I have not investigated it thoroughly, but that is the statement made by Mr. Strong.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on agreeing to the motion made by the gentleman from New York [Mr. SWIFT].

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. SWIFT. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 9, yeas 34.

So the motion was rejected.

Mr. ALEXANDER. Mr. Chairman, it is now about 5 o'clock. It is evident that the consideration of this bill can not be finished to-day, and, of course, if it can not be finished to-day, the chances are that it can not pass the House during this session of Congress. Under the circumstances I have no disposition to prolong the session, although I regard this legislation as of the utmost importance, and its merits have been totally misrepresented on the floor.

I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17499) for the protection, regulation, and conservation of the fisheries of Alaska, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9856. An act granting to the St. Louis, Iron Mountain & Southern Railway Co. and to the Anheuser-Busch Brewing Association and to the Manufacturers' Railway Co. permission to transfer certain rights of easement for railway purposes heretofore granted by the United States to the St. Louis & Iron Mountain Railroad Co. and to the Anheuser-Busch Brewing Association, respectively; and

H. R. 10049. An act for the relief of Capt. Harvey H. Young.

UNIFORM SALES.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to address the House. I am about to introduce a uniform sales act, and I ask unanimous consent to incorporate in what I have to say the act prepared by the American Bar Association.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Thursday, December 14, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and plan and estimate of cost of improvement of Grays Harbor Bar, Wash. (H. Doc. No. 1729); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Chickasaw River, Miss., from its mouth to Shubuta (H. Doc. No. 1730); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Arroyo Colorado, Tex., up to Harlingen (H. Doc. No. 1731); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Austwell, Tex., to a connection with the inland waterway in San Antonio Bay (H. Doc. No. 1732); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

5. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lake River, Wash. (H. Doc. No. 1733); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Delaware River from mouth of Cooper River to Fishers Point Dike, on the New Jersey shore, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 1734); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

7. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of deep-water harbor at Port O'Connor, Tex. (H. Doc. No. 1735); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

8. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Sammamish River, Wash., from Lake Washington to Bothwell, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 1736); to the Committee on Rivers and Harbors and ordered to be printed.

9. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Sabine-Neches Canal, Tex., with a view to revetting the north bank of the canal between Port Arthur, Tex., and Sabine Lake, such revetment work to be confined to the section of the bank within the city limits of Port Arthur, Tex. (H. Doc. No. 1737); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting for inclusion in the urgent deficiency bill an item for legislative authority for the use of \$12,500 of the current appropriation of \$700,000 for surveying public lands (H. Doc. No. 1738); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation for the fiscal year 1918, in the sum of \$25,000, increasing the item for inspection and quarantine work, etc., under the appropriation "General expenses, Bureau of Animal Industry" (H. Doc. No. 1739); to the Committee on Agriculture and ordered to be printed.

12. A letter from the Secretary of the Treasury, submitting an item of legislation for incorporation in the bill providing for the sundry civil expenses of the Government for the fiscal year ending June 30, 1918 (H. Doc. No. 1740); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 16583) granting an increase of pension to George D. Adamson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13334) granting a pension to Milo M. Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14830) granting an increase of pension to Louis H. Blake; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12968) granting an increase of pension to Stewart H. Herbeson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8577) granting a pension to Joseph Kasiah; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3922) granting an increase of pension to Peter R. Matthew; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18418) granting an increase of pension to John E. Packard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Arkansas: A bill (H. R. 18812) declaring Bayou Meta to be a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. CHIPERFIELD: A bill (H. R. 18813) for the erection of a public building at Lewistown, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. HULBERT: A bill (H. R. 18814) granting indefinite leaves of absence to superannuated employees of the Treasury Department; to the Committee on Reform in the Civil Service.

By Mr. CARAWAY: A bill (H. R. 18815) to authorize the construction and maintenance of a road across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: A bill (H. R. 18816) to amend an act entitled "An act providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries"; to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 18817) authorizing the Secretary of War to donate to the city of Cookeville, in the county of Putnam and State of Tennessee, two bronze or brass cannon or fieldpieces, with their carriages; to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 18818) to provide for the erection of a public building at Cicero, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18819) to purchase a permanent site for the erection of a post-office building in La Grange, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18820) to purchase a permanent site for the erection of a post-office building in Berwyn, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 18821) making an appropriation for the improvement of the Schuylkill River, Pa.; to the Committee on Rivers and Harbors.

By Mr. McANDREWS: A bill (H. R. 18822) to purchase a permanent site for the erection of a post-office building at Maywood, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 18823) making an appropriation for the improvement of the Pawtucket River, R. I.; to the Committee on Rivers and Harbors.

By Mr. PORTER: A bill (H. R. 18824) to authorize the coinage of 2-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. TIMBERLAKE: A bill (H. R. 18825) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes"; to the Committee on the Public Lands.

By Mr. HAYDEN: A bill (H. R. 18826) to relieve the owners of mining claims who have been mustered into the service of the United States as officers or enlisted men of the Organized Militia or National Guard from performing assessment work during the term of such service; to the Committee on the Public Lands.

By Mr. HULL of Iowa: A bill (H. R. 18827) to appropriate \$75,000 for a shelter for vehicles and for a welfare station at the Rock Island Arsenal; to the Committee on Appropriations.

By Mr. LLOYD: A resolution (H. Res. 402) authorizing the Committee on the Library to procure portraits of Speaker CHAMP CLARK and former Speaker JOSEPH G. CANNON; to the Committee on Accounts.

By Mr. STEPHENS of Mississippi (by request): A resolution (H. Res. 403) requiring the Commissioners of the District of Columbia to submit certain information in their possession to the House of Representatives, to be used in connection with House bill 17794, 64th Cong., 1st sess.; to the Committee on the District of Columbia.

By Mr. EMERSON: A resolution (H. Res. 404) to have Postmaster General report on advisability of abolishing zone system on parcel post, reduce charge, and increase weight of packages on parcels containing necessary food products; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: A joint resolution (H. J. Res. 317) authorizing the acceptance and free use of a free-energy generator by the United States Government and for the special protection of its discoverer; to the Committee on Military Affairs.

By Mr. KEATING: A joint resolution (H. J. Res. 318) authorizing the Postmaster General to provide the postmaster at Lamar, Colo., with a special canceling die for the third national convention of the Young Men's Business Associations of America; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 18828) granting a pension to Margaret L. Cassady; to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 18829) granting an increase of pension to Richard Williams; to the Committee on Pensions.

Also, a bill (H. R. 18830) granting an increase of pension to Mrs. Emma E. Normoyle; to the Committee on Pensions.

Also, a bill (H. R. 18831) granting a pension to Martha J. Gallivan; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 18832) granting an increase of pension to Peter Hais; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 18833) granting an increase of pension to Randall De Witt Bordeaux; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18834) granting an increase of pension to Myrtle Webster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18835) granting an increase of pension to Luman W. Storer; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 18836) granting a pension to Rufus S. Tucker; to the Committee on Pensions.

By Mr. BEALES: A bill (H. R. 18837) granting an increase of pension to B. Frank Spangler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18838) granting an increase of pension to Emanuel R. Fry; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 18839) granting an increase of pension to Lucy Collin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18840) granting a pension to Sophia Moldenhauer; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 18841) granting an increase of pension to Arbery Estes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18842) granting an increase of pension to Elias T. Newman; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 18843) granting an increase of pension to Joseph Adams; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 18844) granting an increase of pension to William Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18845) granting an increase of pension to Calvin Sharpnack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18846) granting a pension to Lee F. Pixley; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 18847) granting an increase of pension to William Felts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18848) granting an increase of pension to Silas Crisler; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 18849) to waive the age limit and the disqualifications of being married, in the appointment of John J. Maher as a second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 18850) granting a pension to Elbert R. Roberson; to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 18851) granting an increase of pension to George W. McAninch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18852) granting a pension to Porter Frost; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 18853) for the relief of George A. Cummings; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 18854) granting an increase of pension to John Bardill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18855) granting a pension to Susan A. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18856) granting a pension to Andrew J. Smith; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 18857) granting an increase of pension to Arthur Plank; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 18858) granting an increase of pension to Henry C. Orvis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18859) granting an increase of pension to John R. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18860) granting a pension to Charles H. Jackson; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 18861) granting an increase of pension to Andrew J. Britton; to the Committee on Invalid Pensions.

By Mr. LINDBERGH: A bill (H. R. 18862) for the relief of Wilson B. George; to the Committee on Military Affairs.

By Mr. MCGILLICUDDY: A bill (H. R. 18863) for the relief of Frank H. Walker and Frank E. Smith, a part of whose real property was taken and is now occupied by the United States for the foundation of the west wall of the Government Printing Office, in the city of Washington, and the remainder not taken damaged by reason of the construction and operation of said printing office; to the Committee on Claims.

By Mr. MCKENZIE: A bill (H. R. 18864) granting an increase of pension to William Vincent; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18865) granting a pension to Fannie R. Gardner; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 18866) granting an increase of pension to Effie Haywood Woodruff; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 18867) granting a pension to Sate L. Brundage; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 18868) granting an increase of pension to Andrew J. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18869) granting an increase of pension to Andrew J. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18870) granting an increase of pension to James W. Lathrop; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 18871) granting an increase of pension to John Weber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18872) granting an increase of pension to James Noland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18873) granting an increase of pension to John Chalk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18874) granting an increase of pension to William J. Rennaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18875) granting an increase of pension to Francis M. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18876) granting an increase of pension to James M. Dook; to the Committee on Pensions.

Also, a bill (H. R. 18877) granting an increase of pension to Charles M. Baughman; to the Committee on Pensions.

Also, a bill (H. R. 18878) granting a pension to Edward F. Baker; to the Committee on Pensions.

Also, a bill (H. R. 18879) granting a pension to Benjamin F. Long; to the Committee on Pensions.

Also, a bill (H. R. 18880) to correct the military record of Stephen Murphy; to the Committee on Military Affairs.

Also, a bill (H. R. 18881) to correct the military record of Reuben Pulley; to the Committee on Military Affairs.

Also, a bill (H. R. 18882) to correct the military record of Henry Endsley; to the Committee on Military Affairs.

By Mr. ROWLAND: A bill (H. R. 18883) granting an increase of pension to George Ulrich; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 18884) for the relief of Albert H. Radla; to the Committee on Claims.

By Mr. SMITH of Minnesota: A bill (H. R. 18885) granting a pension to Elizabeth Shufelt, 3844 Nicolett Avenue, Minneapolis, Minn.; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 18886) granting a pension to Johanna Edmonds; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 18887) granting an increase of pension to Eli Mathews; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 18888) for the relief of the widow of O. J. Levander, deceased; to the Committee on Claims.

By Mr. WOODS of Iowa: A bill (H. R. 18889) granting an increase of pension to John Lattimore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18890) granting a pension to William Bass; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Evidence to accompany House bill 17524, for relief of John Ervin; to the Committee on Invalid Pensions.

By Mr. BAILEY: Memorials of Local Union No. 2248, United Mine Workers of America, of Martindale, representing 400 members, and Local Union No. 2008, United Mine Workers of America, of St. Benedict, Pa., representing 400 members, favoring investigation into the high cost of living; to the Committee on Rules.

By Mr. BEAKES: Petitions of post-office employees of Adrian and Ann Arbor, Mich., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. CHARLES: Petition of postal employees at Fort Plain, Johnstown, and Schenectady, N. Y., for increase of compensation; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: Memorial of Sacramento Branch of the Railway Mail Association, of Sacramento, Cal., in favor of retirement for civil-service employees and minimum wage for substitute civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. DENISON: Petitions of postal employees of Carbonale and Duquoin, Ill., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. DUNN: Petition of employees of Rochester (N. Y.) post office, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petitions of postal employees of Rochester, N. Y., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ELSTON: Petition of Annie L. Bernard and others, of Berkeley, Cal., favoring Government control of all food-

distributing agencies; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of Watertown-Portage Branch, of the tenth division, Railway Mail Association, asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. FESS: Petitions of 8 members of the Reformed Church, 90 members of the Baptist Sunday school, and 150 members of the Lutheran Church of St. Paris, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Memorials of International Association of Machinists, Memphis Lodge, No. 14, Memphis, Tenn., favoring the conserving of the food supply of the United States; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Citizens' Northwest Suburban Association, favoring the erection of the Gallinger Hospital in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FULLER: Petition of the Women's Home Missionary Society of the Methodist Episcopal Church of Sycamore, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of the National Association of Andersonville Survivors, for additional pensions; to the Committee on Invalid Pensions.

Also, petition of post-office employees of De Kalb, Ill., for increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of James P. Turner, of Osseo, Mich., concerning proofs of widowhood in claims for pensions; to the Committee on Invalid Pensions.

Also, petition of Lyon & Healy, of Chicago, Ill., favoring an appropriation of \$1,000,000 for the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, petition of Charles H. Wacker, Chicago, Ill., favoring an appropriation for a west side post office in Chicago; to the Committee on the Post Office and Post Roads.

Also, petition of Payson Manufacturing Co., of Chicago, Ill., against abandonment of pneumatic mail tube service; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Memorial of Massachusetts State Council, Friends of Irish Freedom, against any further loans, secured or unsecured, to belligerent foreign nations; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of Philadelphia, against discontinuance of the pneumatic mail tube; to the Committee on the Post Office and Post Roads.

Also, petition of William T. Hornaday, favoring game-sanctuary law; to the Committee on Agriculture.

Also, petition of United Bakers of Greater New York and vicinity, favoring inquiry into crop conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of G. C. Allen and 30 other railway employees of the State of Maine, for eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Sunday school people of Chapman and Mapleton, Me., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of William H. McKenzie and 64 other railway employees of the State of Maine, urging eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

By Mr. HERNANDEZ: Petition of sundry postal employees, praying for an increase in salaries in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Memorial of Missionary Society of the Congregational Church of Danbury, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of James T. Brady and 30 other post-office and rural-carrier employees at Steubenville, Ohio, asking wage increase on account of high cost of living; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Memorial of Local No. 238, United Garment Workers of America, filed by Miss Ella Hawks, of St. Louis, Mo., requesting investigation into the high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. KEISTER: Petitions of employees of post offices of Butler and Greensburg, Pa., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Iowa: Petitions of postal employees at Washington, Fairfield, and Burlington, Iowa, asking for increase of pay; to the Committee on the Post Office and Post Roads.

By Mr. KONOP: Petition of postal employees of Appleton, Wis., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. LEWIS: Memorial of Maryland State Grange, against embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petitions of railway mail clerks, post-office clerks, letter carriers, and rural delivery carriers, by P. S. O. Niland and Irving S. Biser and others, asking for an increase in pay because of the cost of living; to the Committee on the Post Office and Post Roads.

By Mr. MCGILLICUDDY: Petition of postal employees of Camden, Me., for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. MCKENZIE: Petitions of postal employees at Savanna and Rochelle, Ill., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. OAKLEY: Petitions of Branch 29, U. N. A., of New Britain, and Harry R. Wallace and other employees of the post office at Southington, Conn., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. OLNEY: Petition of postal employees of North Abington, Mass., asking increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. PAGE of North Carolina: Petition of employees of Seaboard Air Line Railway in North Carolina, asking that employees in department of maintenance of way be included in the provisions of the eight-hour law; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Petition of H. E. Lanagan and 10 others, employees of Spencer, Mass., post office, for increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. PARKER of New York: Petition of sundry citizens of New York, asking for increased wages in the postal service; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petitions of George W. Wallen and 67 others, H. L. Curtis and 160 others, W. H. Foss and 41 others, railway employees of the State of Maine, asking eight-hour-day law; to the Committee on Interstate and Foreign Commerce.

By Mr. PRATT: Petition of Max A. Woethlig, John C. Grant, and 42 other employees of the post office at Ithaca, N. Y., favoring a substantial increase in their pay; to the Committee on the Post Office and Post Roads.

Also, petition of G. H. Brown, R. B. Wilkes, and 12 other employees of the Bath (N. Y.) post office; favoring a substantial increase in their pay; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of James Lynch and 106 others, of Slano, Cal., for an embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Petition of postal employees of Rome, N. Y., asking for increased pay; to the Committee on the Post Office and Post Roads.

Also, memorial of Union veterans of the Civil War of Oneida County, N. Y., asking for investigation of the present German policy in Belgium; to the Committee on Foreign Affairs.

By Mr. SPARKMAN: Three petitions of railway-mail clerks, post-office clerks, letter carriers, and rural carriers favoring increase in salaries paid postal employees; to the Committee on the Post Office and Post Roads.

By Mr. STAFFORD: Petition of members of Zion Evangelical Lutheran Church against export of foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. STEAGALL: Petition of sundry citizens of Pittsview, Russell County, Ala., asking that the employees of the maintenance-of-way department of American railways be included in the workings of the eight-hour law; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Hartsboro, Russell County, Ala., favoring passage of an eight-hour law for all railway employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Memorial of 800 people of Laconia, 150 people of Franklin, and 500 people of Concord, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAVENNER: Petitions of Robert Peterson and Fritz Peterson, of Park Island, Ill., for an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: Petition of sundry citizens of Boston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WATSON of Pennsylvania: Petition of employees of the post office at Norristown, Pa., praying for an increase of their wages; to the Committee on the Post Office and Post Roads.